

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21482 of 2022

Arising Out of PS. Case No.-10 Year-2022 Thana- GALGALIYA District- Kishanganj

Bikky Barman @ Biki Barman, Son of Bhupal Barman, R/O- Village-
Shantipurba, P.S.- New Jalpaiguri, District- Jalpaiguri (W.B.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Galgalia P.S. Case No. 10 of 2022, Special Case No. 131 of 2022, registered for the alleged offences under Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act.

As per prosecution case, during the course of checking of vehicles, total 424.92 litres of India made foreign liquor was recovered from a vehicle and the petitioner and other co-accused were apprehended from the spot. Petitioner is stated



to be the driver of the said vehicle.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and nothing incriminating has been recovered from his conscious possession. The petitioner has no knowledge about the liquor kept in his vehicle as he was instructed by the owner that shredded tyres which were being carried on his vehicle to deliver the same at Muzaffarpur. Petitioner is not the owner nor the consignor nor the consignee. The petitioner is in custody since 16.02.2022 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the petitioner has got no criminal antecedent and further considering the submission of charge-sheet as well as the period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II, Special Judge (Excise), Kishanganj, in connection with Galgalia P.S. Case No. 10 of 2022, Special Case No. 131 of 2022, subject to the conditions mentioned in



Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be Bhupal Barman, father of the petitioner, who has sworn the affidavit.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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