

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21920 of 2022**

Arising Out of PS. Case No.-236 Year-2021 Thana- DURGAWATI District- Kaimur (Bhabua)

Hira Lal S/o Durga Prasad R/o M- 84 Krishna Bihar, P.S. Sultanpuri, District -
Delhi, North- West Delhi- 110086.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate.

For the Opposite Party/s : Mr. Pushpa Sinha.1, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-07-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Tribhuwan Narayan, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Durgawati P. S. Case No. 236 of 2021
registered for the offences punishable under Sections 30 (a)



41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, it is alleged that the Police, during the course of vehicle checking, intercepted a Honda City car. On search being made total 279 litres illicit foreign liquor was recovered from the dickey of the said vehicle. It is further alleged that the petitioner was driver of the said car.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner being driver of the said car, he was neither aware as to what was kept in the dickey by the owner of the said car nor he had any knowledge about the same. It is further submitted that the owner of the car has also been made accused in this case. It is next submitted that though the recovery has been made from a public place but there is no independent witness to the seizure list. It is next submitted that the petitioner is in custody since 28.10.2021.

On the other hand, learned APP for the State opposes the bail application and submits that the recovery has been made from the Honda City car, which was being driven by this petitioner.

Having considered the submissions made on behalf



of the parties and taking into account the fact that the petitioner is a driver of the car and he was not even aware as to what was kept in the dicky either by the consigner or the owner of the car and moreover, the owner of the said car is also made accused and this petitioner is in custody since 28.10.2021, having clean antecedent, apart from that after completion of the investigation of the crime, charge-sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge II-cum-Special Judge (Excise), Kaimur at Bhabua in connection with Durgawati P. S. Case No. 236 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates
without any cogent reason, his bail bonds will
liable to be cancelled.

(Harish Kumar, J)

shakir/-

U		T	
---	--	---	--

