

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22497 of 2022

Arising Out of PS. Case No.-73 Year-2022 Thana- BALIYA District- Begusarai

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KUNDAN RAVIDAS S/o Virendra Ravidas Resident of Village - Gosaiपुर,
P.S. - Bagdogra, District - Darjeeling (W.B.).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhola Prasad
For the Opposite Party/s : Mr.Sucheta Yadav

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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 virtual court proceeding.

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 Ballia P.S. Case No. 73 of 2022 registered for the alleged offences under Sections 120(B) of the Indian Penal Code and Sections 30(a), 41(1), 56 (D), 32(ii) (iii)/ 36 of the Bihar Prohibition and Excise Act.

As per prosecution case, 881.25 liters of illicit liquor was recovered from the pick-up-van when it was intercepted on the basis of secret information. The petitioner was apprehended when he tried to flee away after a lighting from the intercepted



vehicle.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was merely a helper. The co-accused driver was successful in fleeing away from the pick-up-van on seeing the police. The petitioner has no knowledge about the consignment of illicit liquor kept in the van as at the time of loading of goods, he was not present. So nothing incriminating has been recovered from his conscious possession. Being co-driver/cleaner, he has been apprehended in this case. Charge sheet has been submitted in this case and the petitioner is in custody since 13.03.2022.

Learned APP opposes the prayer for bail of the petitioner submitting that the petitioner was apprehended from the vehicle from which huge quantity of liquor was seized.

Having regard to the submission made hereinabove and considering the fact that the petitioner is said to be the cleaner and also the fact of submission of charge sheet and his period of custody for over four months, 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 Special Judge, Excise,



Court No. 02, Begusarai in connection with Ballia P.S. Case No. 73 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 a close relative of the petitioner.
- (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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