

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23814 of 2022

Arising Out of PS. Case No.-263 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Chhotu Kumar @ Yadav @ Chhotu Yadav, S/o Durga Yadav, R/o Mohalla -
College More Aurangabad, P.S. - Town Aurangabad, District - Aurangabad.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate
For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-07-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Sudhir Kumar Sinha, learned counsel for
the petitioner and learned APP for the State through video
conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Excise Case No. 263 of 2021 registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

As per prosecution case, it is alleged that while the
police was conducting vehicle checking one Tata Indigo Car,
bearing registration no. UP 32 FN-4986, was intercepted and on
search being made 120.960 litres of foreign liquor was



recovered. It is also alleged that this petitioner, who is said to be the driver of the vehicle, was arrested from the said vehicle.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner is said to be the driver of the vehicle, in question, and he has no concern with the alleged recovery. It is next submitted that the petitioner being the driver of the vehicle was not even aware as to what was loaded by the consigner/owner, as the same was being run on fare. It is further submitted that there are other serious infirmities in preparation of seizure list and moreover this petitioner is in custody since 23.09.2021 having fair antecedent, though the investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner was arrested with the illicit foreign liquor.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner was the driver of the Tata Indigo car and he was not even aware as to what was loaded in the car by the owner/consigner, apart from the fact that the petitioner is in custody since 23.09.2021 having fair antecedent, though the



investigation of the crime is already completed and charge-sheet has been submitted and there is no likelihood of commencement of trial in near future, let the petitioner, named above, 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 Sessions Judge-II-cum Special Judge, Excise Act, Gaya in connection with Excise Case No. 263 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)

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