

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25524 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- CHANDAN District- Banka

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Krishna Kumar Son Of Meva Ram R/o village- Swaminagar, P.S.- Fatehabad
(Sadar), District- Fatehabad (Hariyana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate.

For the Opposite Party/s : Mr. Sucheta Yadav, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-07-2022 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. Ajay Mukherjee, 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 Chandan P. S. Case No. 18 of 2022 (Special Excise Case no. 135 of 2022) registered for the



offences punishable under Sections 30 (a), 32(2) 36/41(1) of the Bihar Prohibition and Excise (Amendment) Act.

As per the prosecution case, it is alleged that while the police was on a patrolling duty, on a secret information, they apprehended a truck bearing registration no. UP11BT-2994 and the petitioner was found sleeping inside the truck. On search being made altogether 3960 litres Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is neither owner/transporter of the truck in question nor consigner of the goods. It is further submitted that the petitioner being driver of the truck was not even aware as to what was loaded by the consigner as the vehicle runs for transportation of goods on charge realized by the owner/transporter. It is next submitted that there is other infirmities in the seizure list in as much as no independent witness of the same. It is lastly submitted that this petitioner is in custody since 01.02.2022, having fair antecedent, though after conclusion of the investigation, the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that a huge



consignment of foreign liquor has been recovered from the said truck, which was driven by the petitioner.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is driver of the truck and he is in custody since 01.02.2022, having fair antecedent, though after conclusion of investigation, the charge-sheet has been submitted and there is no likelihood of commencement of trial in near future, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Banka in connection with Chandan P. S. Case No. 18 of 2022(Special Excise Case no. 135 of 2022), 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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