

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32142 of 2022

Arising Out of PS. Case No.-200 Year-2021 Thana- BHARGAMA District- Araria

Saiful @ Siful, Son Of Md. Hafiz, R/O Village- Jokihat, Ward No.-09, P.S.-
Jokihat, District- Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 02-09-2022 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 Special Excise Case No. 243 of 2022 arising out of Bhargama P.S. Case No. 200 of 2021 registered for the alleged offences under Sections 188, 465, 468, 471 and 411/34 of the Indian Penal Code and Sections 30 (a)/41 of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, the recovery of 416.25 liters of India made foreign liquor was made from a Bolero pick-up and the petitioner and co-accused persons were apprehended



from the spot. The petitioner is stated to be driver for the vehicle.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing has been recovered from his conscious possession. He is merely a driver and has no knowledge about the consignment of his vehicle. The petitioner is not the owner of the vehicle. Charge sheet has been submitted in this case and the petitioner is in custody since 16.12.2021 and is having clean antecedent.

Learned APP opposes the prayer for bail of the petitioner.

Having regard to the submission made hereinabove and considering the submission of charge sheet as well as period of custody of the petitioner and his clean antecedent, 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 Exclusive Special Judge, Excise-II, Araria in connection with Bhargama P.S. Case No.200 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following condition :



(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)

V.K.Pandey/-

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