

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25497 of 2022

Arising Out of PS. Case No.-17 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Kishanganj

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Mihilal Roy @ Mihi Lal Ray Parimal Ray R/O Village - Batasi, Andharu Jote,
P.S.- Khoribari, District- Darjeeling (W.B.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate.
For the Opposite Party/s : Mr. Tapeswar Sharma, 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. Rajeev Ranjan, 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 Special Case no. 43 of 2022 registered
for the offences punishable under Section 30 (a) of the Bihar
Prohibition and Excise Act.

As per the prosecution case, it is alleged that the
police, on a secret information, intercepted a Tata 407 vehicle.



On search being made altogether 973.8 litres Indian made foreign liquor was recovered. It is further submitted that the petitioner was apprehended from the said vehicle.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is neither owner of the vehicle nor the consigner of the goods. It is further submitted that the petitioner is said to be driver of the said vehicle, which runs for transportation of goods on charge by the owner, he was not even aware as to what was loaded in the said vehicle by the consigner/owner. It is next submitted that the petitioner is a man of fair antecedent and he is in custody since 17.01.2022.

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 vehicle, which was being driven by the petitioner.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is only a driver of the vehicle in question and he is in custody since 17.01.2022 and moreover, the investigation of the crime is already completed and the charge sheet has been submitted, 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 District and Sessions Judge-IV, Special Judge, (Excise), Kishanganj in connection with Special Case no. 43 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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