

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26121 of 2022

Arising Out of PS. Case No.-83 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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Lokendra Singh Son Of Gulab Singh R/O- House No 583, Block J
Jahangirpuri, Bhaluswa P.S.- Mahindra Park, District- North West Delhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan, 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 Heard Mr. Indrajeet Bhushan, learned counsel

appearing on behalf of the petitioner and learned Additional

Public Prosecutor for the State through video conferencing.

Petitioner seeks bail in a case registered in connection
with Excise P.S.Case No. 83 of 2022 for the offences punishable
under Section 30 (a) of Bihar Prohibition & Excise Act 2016.

As per the prosecution case, it is alleged that the
police on suspicion intercepted state carriage bearing
registration no. UP78FT-7756 and on search being made total
394.400 Indian made foreign liquor was recovered. The
petitioner is said to be driver of the said bus.

Learned counsel appearing on behalf of the petitioner
submits that from the F.I.R, it is evident that the bus was



travelling from Delhi to Saharsa wherein 62 passengers were boarded and the petitioner being driver was not even aware as to what was loaded by the passengers in their cartoons. It is next submitted that save and except, the allegation that the petitioner was a driver there is no other material which suggests the complicity of the petitioner in the present crime. It is next submitted that there is the complete non-compliance of Section 100 of Code of Criminal Procedure and moreover, the witnesses to the seizure list are police personnel. It is lastly submitted that the petitioner is a man of fair antecedent and is in custody since 22.3.2022.

On the other hand, learned counsel for the state opposes the bail application and submits that a huge consignment of illicit liquor has been recovered.

Having regard to this submissions made on behalf of the parties and considering the fact that petitioner is driver of the bus where several persons were boarded and moreover this petitioner is in custody since 22.03.2022 and the investigations of the crime is already completed and charge-sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of



learned Additional Sessions Judge, IV -Cum- Special Excise Court No.-II, Gopalganj in connection with Excise P.S.Case No. 83 of 2022, subject to the condition that one of the bailors will be the close relatives 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, their bail bonds will liable to be cancelled.

(Harish Kumar, J.)

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