

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27162 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

Nunu Ram, Son of Baleshvar Ram R/O- Vill-Basghatta, Ward No.7, P. S.-
Katra, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-08-2022 No one appears on behalf of the petitioner. Learned
APP for the State is present through virtual mode in view of
COVID-19.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Excise Case No.74/2022 instituted under Section 30(a) of
Bihar Prohibition and Excise Act, 2016 and Amended Act, 2018.

The prosecution case, in short, is that on secret
information, altogether 111.600 liters of foreign liquor was
recovered from a Piaggio Tempo bearing registration
no.BR06PA6191, which was intercepted by the police.
Accordingly, the seizure list was prepared and the police seized
the liquor and tempo. FIR instituted and the petitioner came into
judicial custody.



As per the averments made in the bail application, the police have intercepted and alleged to have recovered/seized 111.600 liters of foreign liquor. The petitioner happens to be the driver of the said tempo. It has further been averred in the bail application that although the police has attributed him as a tempo driver, he was actually the passenger and when the driver saw the police he just left the tempo and fled away. He further submits that he is not the owner of the tempo either. He lastly submits that he has no criminal antecedent and is suffering since 13.03.2022 (as stated in para-12 of the bail application).

Taking into account the fact that the petitioner has no criminal antecedent, charge-sheet stands submitted and is in custody since 13.03.2022, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Excise Case No.74/2022 to the satisfaction of learned Additional District & Sessions Judge, IV-cum-Special Excise Court-II, Gopalganj, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his/her bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his/her presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his/her bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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