

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26634 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Arvind Kumar, Son of Late Kishori Sao, Resident of Village- Akauna, P.S.-
Amas, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-08-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Manoj Kumar, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Excise P.S. Case No. 44 of 2022 registered for
the offences punishable under Sections 30(a), 56(b) of the Bihar
Prohibition and Excise Act.

As per prosecution case, it is alleged that while the
police party was on patrolling duty, they apprehended the
petitioner while he was driving a Tempo. On search being made
total 96 litres of country made Chulai liquor, kept in two plastic



sacks, was recovered.

It is submitted by the learned counsel for the petitioner that the petitioner happens to be the driver of the said Tempo, which runs on hire/rent, however noticing the police party, the persons, who were carrying the sacks fled away and this petitioner was arrested, who has no concern with the illicit liquor. It is lastly submitted that the petitioner is in custody since 29.01.2022 having fair antecedent and moreover the investigation of the crime is completed and charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner is a Tempo driver and runs the Tempo on fare/rent and moreover he is in custody since 29.01.2022, though the investigation of the crime is completed and charge-sheet has been submitted and there is no likelihood of commencement of trial in near future, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court-III, Gaya in connection with Excise P.S.



Case No. 44 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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