

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26610 of 2022

Arising Out of PS. Case No.-27 Year-2022 Thana- TEKARI District- Gaya

Rakesh Pal Son Of Laxman Bagat Resident of Village - Kandu Audy Ramki
Gadhi, P.S. Daudnagar, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar ,

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Veer, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-07-2022 Heard Mr. Satyaveer, learned counsel appearing on
behalf of the petitioner and learned Additional Public
Prosecutor for the State through video conferencing.

Petitioners seek bail in a case registered in connection
with Tekari P.S. Case No. 27 of 2022 for the offences
punishable under Section 30(a) of the Bihar Prohibition &
Excise Act 2018.

As per the prosecution case ,it is alleged that while
the police party on patrolling duty intercepted a Maruti car the
petitioner being driver of the car was apprehended on the spot.
On search being made 432 liters Indian made foreign liquor was
recovered.

Learned counsel appearing on behalf of the petitioner
submits that petitioner is neither owner of the car nor consignor



of the alleged recovered liquor. It is further submitted that the vehicle was used on rent/fare. It is next submitted that petitioner was not aware that what was loaded by the passenger/owner of the vehicle. It is next submitted that there is no compliance of the provisions under section 100 of the Cr. p.c. Apart from the fact that petitioner is a man of fair antecedent and he is in custody since 14.01.2022 and the investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand, learned counsel for the state vehemently oppose the bail application of the petitioner.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner is in custody since 14.01.2022 and the investigation of the crime is already completed and the charge-sheet has been submitted and there is no likelihood of the commencement of the trial in near future, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise Court, Gaya in connection with Tekari P.S. Case No. 27 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, his bail bonds will liable to be cancelled.

(Harish Kumar, J.)

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