

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26529 of 2022**

Arising Out of PS. Case No.-82 Year-2021 Thana- NAURANGIA District- West Champaran

Om Prakash Bishnoi S/o Jiya Ram @ Jiya Ram Sah R/o- Jajiwala Dora, P.S. -  
Banad, District - Jodhpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      29-07-2022      Heard Mr. Sumit Shekhar Pandey, learned counsel  
appearing on behalf of the petitioner and Mrs. Rita Verma  
learned Additional Public Prosecutor for the State through video  
conferencing.

Petitioners seek bail in a case registered in connection  
with Naurangiya P.S. Case No. 82 of 2021 for the offences  
punishable under Section 30(a) of the Bihar Prohibition &  
Excise Act 2018.

As per the prosecution case, it is alleged that on secret  
information the police intercepted the truck which is allegedly  
being driven by the petitioner and on search being made total  
5013 liters Indian made foreign liquor was recovered.

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



consignor of the recovered material . It is submitted that the truck in question runs for transportation of goods by the charges realized by the owner and transporter and he has no concerned with the alleged recovery. It is next submitted that the petitioner is in custody since 25.12.2021 and moreover, 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 25.12.2021 and he happens to be driver of the said truck and he was not even aware of what was loaded by the owner of the truck or consignor of the goods and though 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. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Bagaha, West Champaran in connection with Naurangiya P.S. Case No. 82 of 2021, 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.)**

N.K/-

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