

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27058 of 2022

Arising Out of PS. Case No.-24 Year-2022 Thana- BAUNSI District- Banka

SUKHLAL HANSDA @ SUKLAL HANSDA son of Chotelal Hansda
Resident of Village - Vurkuriya, P.S. - Bounsi, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Brij Nandad Prasad, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Excise Complaint Case No. (Bounsi P. S. Case no.) 24 of 2022 registered for the offences punishable under Sections 30 (a) and 32 (2) (3) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that in course of vehicle checking, the police intercepted a car and on



search, total 258 litres illicit country made liquor was recovered and the petitioner was apprehended while he was sitting in the car.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner happens to be driver of the said vehicle and he had no knowledge as to what was being carried by his owner and his representative. It is further submitted that apart from other irregularities in the seizure list, there is no independent witness to the same and moreover, this petitioner is in custody since 21.02.2022, having fair antecedent and the investigation of the crime is completed and the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that that the recovery has been made from the possession of this petitioner.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is driver of the said vehicle and he is in custody since 21.02.2022, having fair antecedent and moreover, after conclusion of the investigation, the charge sheet has been submitted and there is no likelihood of commencement of trial in near future, let the petitioner, above named, 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 Additional District and Sessions Judge-V, Banka in connection with Excise Complaint Case No. (Bounsi P. S. Case no.) 24 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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