

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27590 of 2022**

Arising Out of PS. Case No.-365 Year-2021 Thana- MINAPUR District- Muzaffarpur

Ramesh Kumar Son Of Ichchha Ram R/O Village- Garisisana, P.S.-
Kharkhauda, District- Sonipat (HARYANA)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Jha, Advocate
For the Opposite Party/s : Mr.Pushpa Sinha.1, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 16-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Minapur P.S. Case No. 365 of 2021 registered for the alleged offences under Sections 272, 273, 120B, 467, 468, 471 and 34 of the Indian Penal Code and Sections 30(a), and 41(1) of the Bihar Prohibition and Excise Act.

As per prosecution case, the recovery of 3519 liters of India made foreign liquor was made from a truck and the petitioner was apprehended from the spot. The petitioner is stated to be a driver of the said vehicle.



Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and he is not even the driver of the truck and has no knowledge about the consignment loaded his truck. He is having clean antecedent. There is no recovery from his conscious possession. Charge sheet has been submitted in this case and the petitioner is in custody since 07.10.2021.

Learned APP opposes the prayer for bail of the petitioner submitting that huge quantity of liquor has been recovered from the truck being driven by the petitioner.

Having regard to the submission made hereinabove and considering the submission of charge sheet as well as period of custody of the petitioner and also his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. I, Muzaffarpur in connection with Minapur P.S. Case No. 365 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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