

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27476 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- NAYAGAON District- Saran

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Bikas Kumar @ Sujeet Son Of Deo Prasad Rai Resident Of Village- Paithani
Nathupur , P.S- Beur, Dist - Patna At Present Resident Of Village- Parnadi
Hasanpura, P.S- Beur , Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Advocate.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP.

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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. Sachida Nand Rai, learned counsel for the

petitioner as well as learned Additional Public Prosecutor for the

State.

The application for grant of bail to the petitioner,

above named, who has been made accused and put behind the

bar in connection with Nayagaon P. S. Case No. 45 of 2022

registered for the offences punishable under Section 30 (a) of

the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that in

course of vehicle checking, the Police apprehended a Maruti



Suzuki Car, on search, 189 litres Indian made foreign liquor was recovered. It is further submitted that the petitioner was arrested while he was driving the car in question.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner happens to be driver of the said car and he had no knowledge as to what was being carried by the owner and his representative. It is further submitted that the petitioner has neither any concern with the alleged car nor with the recovered illicit wine. It is next submitted that the petitioner is a man of fair antecedent and he is in custody since 12.03.2022.

On the other hand, learned APP for the State opposes the bail application and submits 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 happens to be driver of the car and he is in custody since 12.03.2022, having fair antecedent and the investigation of the crime is already completed and 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 Exclusive Special Excise Court No. 2, Chapra, District Saran in connection with Nayagaon P. S. Case No. 45 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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