

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27852 of 2022**

Arising Out of PS. Case No.-169 Year-2022 Thana- GAYA MUFASIL District- Gaya

Chhotu Yadav S/o Brahamdeo Yadav R/o village- Bhusunda Balapar, P.S.-
Mufassil, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

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

2 05-08-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Ravindra Kumar Sinha, learned counsel
for the petitioner as well as learned Additional Public
Prosecutor for the State through video conferencing.

Petitioner seeks bail in a case registered in
connection with Muffasil P.S. Case No. 169 of 2022 for the
offences punishable under Sections 30(a) of the Bihar
Excise (Prohibition) Amendment Act, 2018.

As per the prosecution case, it is alleged that in
course of vehicle checking, the police intercepted an Auto
and on search 300 liter country made liquor was recovered.

Learned counsel for the petitioner submits that
the petitioner happens to be driver of the vehicle was not



even aware as to what was being carried by the passengers. It is submitted that the auto in question runs for carrying passengers and it is difficult to know as to what was being carried by the passengers. It is next submitted that the petitioner is in custody since 17.03.2022, having fair antecedent.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner happens to be driver of the auto and the same runs for carrying passengers and moreover, he is in custody since 17.03.2022 and investigation of the crime is concluded 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. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, Gaya in connection with Muffasil P.S.Case No. 169 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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