

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27000 of 2022**

Arising Out of PS. Case No.-122 Year-2022 Thana- PHULPARAS District- Madhubani

Pal Singh Son of Sri Dhanugal Ram @ Dhanugal Singh Resident of Village -  
Mana, P.S. - Pagna, District - Mandi, Himachal Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Gopal Jha, Advocate.

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

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

2      03-08-2022      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. Gopal Jha, 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 Phulparas P. S. Case No. 122 of 2022 giving rise to G.R. Case No. 142 of 2022 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act.

As per the prosecution case, it is alleged that while the police party was on patrolling duty, on suspicion, they



intercepted a truck bearing registration no. HP65-7274. On search, altogether 1800 litres of Indian made foreign liquor was recovered and the petitioner was also apprehended from the truck.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner happens to be owner-cum-driver of the truck in question, however he being habitant of Himachal Pradesh was not even aware as to what was loaded by consigner as the truck was running on rent. It is next submitted that Sandip Ray, who had loaded the articles and this petitioner has no concern with the alleged recovered illicit wine nor has any relation with the co-accused. It is further submitted that this petitioner is in custody since 09.03.2022 and moreover, the investigation of the crime is already completed and the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that this petitioner is habitant of Himachal Pradesh, if he would be released of bail difficulty would be occurred in securing his appearance.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is owner-cum-driver of the truck, in question and it is co-



accused Sandip Ray, who had loaded the articles containing illicit wine and this petitioner has no concern of the same, apart from the fact that the petitioner is in custody since 09.03.2022, 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. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise Act) Jhanjharpur in connection with Phulparas P. S. Case No. 122 of 2022 giving rise to G.R. Case No. 142 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)**

shakir/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

