

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27017 of 2022

Arising Out of PS. Case No.-78 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

Prince Kumar Son Of Late Jaglal Pashi Current Late Anil Pashi R/O- Village-
Mirganj P.S.- Mirganj Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Gulnar Begum, 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. 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 Kuchaikote P. S. Case No. 78 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 while the Police Party was on patrolling duty, on suspicion, they intercepted a tempo and on search, altogether 78.580 litres



Indian made foreign liquor was recovered. It is further submitted that the petitioner was also apprehended at the spot.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is driver of the tempo and the said tempo runs on fair/rent and in fact, on noticing the Police party the passengers, who were carrying their goods, left in the tempo and fled away and on suspicion, he was apprehended. It is further submitted that he has no concern with the alleged recovered illicit wine and moreover, the petitioner is in custody since 01.03.2022, having a man of fair antecedent.

On the other hand, learned APP for the State opposes the bail application and submits that the alleged recovery has been made from the tempo, which was being driven by the petitioner.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is a tempo driver and he was carrying the passengers and goods on rent, apart for the fact that he is in custody since 01.03.2022, having fair antecedent and the investigation of the crime is already completed and the charge sheet has been submitted, 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 Judge IV-cum-Special Judge Excise Court No. II, Gopalganj in connection with Kuchaikote P. S. Case No. 78 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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