

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28086 of 2022

Arising Out of PS. Case No.-10 Year-2022 Thana- GALGALIYA District- Kishanganj

Pranobesh Roy Son Of Pradip Roy R/O Village- Fulbari Hat Rajib Nagar
(BINNAGURI), P.S.- New Jalpaiguri, District- Jalpaiguri (W.B.)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is in custody in connection with
Special Case No. 131/2022 arising out of Galgalia P.S. Case No.
10/2022 under Section 30 (a) and 41(i) of Bihar Excise
Prohibition Act.

The prosecution story, in brief, is that informant
during the vehicle checking, apprehended bolero pickup bearing
no. WB73G-1540 and upon search, 424.92 liters of illicit
foreign liquor was recovered/seized from the tyres of the
aforesaid vehicle and the persons sitting on the vehicle were
arrested by the police. The petitioner herein was one of the



arrested persons.

Learned counsel for the petitioner submits that the alleged recovery/seizure has been shown from the bolero pickup van which he owns. It has further been submitted that he had absolutely no knowledge of the fact that driver and/or the cleaner has mischieved with the tyre. It was further submitted that if enlarged on bail, the petitioner is ready to abide by all terms and conditions.

Considering the fact that the petitioner is in jail since 16.2.2022, has no criminal antecedent as also charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail with certain conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District and Session Judge-2nd-cum Special Judge Excise, Kishanganj connection with Special Case No. 131/2022 arising out of Galgalia P.S. Case No. 10/2022 subject to the following conditions:

- (i) one of the bailors should be local resident who shall provide official document to show his/her bona fide;
- (ii) if he is in possession of the passport, the same will



he surrendered before the learned trial court till the conclusion of the trial;

(iii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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