

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28089 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- KALER District- Jehanabad

VINOD KUMAR S/o Late Jagvir Singh @ Jagbir R/o village- Kharawar,
P.S.- I.M.T., District- Rohtak (Haryana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 02-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing in view of the
COVID 19.

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

The petitioner is in judicial custody in connection
with Kaler P.S. Case No. 08 of 2022 for the offences under
Section 30(a) and 42 of the Bihar Prohibition and Excise
Amendment Act 2018.

As per the prosecution story, the A.S.I., Jwala Prasad
Mandal posted in Kaler Police Station at Arwal has lodged this
FIR stating that during patrolling on NH-139, they started
vehicle checking. During the said checking, the police found a
one ten wheeler vehicle having Registration No. HR46E-3602



coming from Aurangabad which was stopped and the vehicle checked. Upon search, it is alleged that 5727.6 liters of English wine were recovered/seized. Accordingly, seizure list prepared and the two accused persons including the petitioner herein were arrested.

Learned counsel for the petitioner submits that he was merely a cleaner and had nothing to do with the alleged loading of the English wine. It is his further submission that he under *bona fide* belief that the truck is loaded with '*potatoes*' had accompanied the driver little realizing that the journey will end in the jail. He lastly submits that the driver of the vehicle namely, Rakesh Kumar has since been granted the privilege of bail vide order dated 04.08.2022 passed in Cr. Misc. No. 23464 of 2022 by a co-ordinate Bench of this Court.

Learned APP for the State opposes the bail.

Taking into account the aforesaid facts as also that the petitioner is in custody since 22.01.2022, charge sheet stands submitted, he has no criminal antecedent and co-accused Rakesh Kumar has since been granted bail, this Court is inclined to grant him the privilege of bail.

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 Special Judge,
Excise Court No. II, Jehanabad in connection with Kaler P.S.
Case No. 08/2022, subject to the following conditions.

(i) one of the bailor should be the family member of
the petitioner, who shall provide official document to show
his/her *bona fide*;

(ii) 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;

(iii) he shall appear before the concerned police
station every fortnight for next six months to mark his presence;

(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)

Jagdish/Neha-

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