

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28747 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- SIMULTALLA District- Jamui

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Ashok Pandit Son Of Govind Pandit Resident Of Village- Hirana, P.S.-
Deoghar, District- Deoghar (JHARKHAND)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Murli Dhar, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2022 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. Pankaj Kumar Sinha, 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 Simultalla P. S. Case No. 31 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 on a
confidential information, the police intercepted a tempo, which
was being driven by this petitioner and on search, altogether



779.4 litres of illicit country-made liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner, who was said to be driver of the tempo, in question, has nothing to do with the alleged recovery as the said tempo runs on fare/rent, however, on noticing the police party the passenger, who was carrying the goods fled away and this petitioner happens to be driver arrested at the spot. It is further submitted that the petitioner has absolutely fair antecedent and he is in custody since 09.04.2022 and moreover, after conclusion of the investigation, the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the recovery has been made from the tempo of the petitioner.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner happens to be driver of the tempo, which runs on fare and he is in custody since 09.04.2022, having fair antecedent 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/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned



Additional District Judge IV-cum Special Judge, Excise Act,
Jamui in connection with Simultalla P. S. Case No. 31 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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