

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29435 of 2022

Arising Out of PS. Case No.-242 Year-2022 Thana- ARARIA District- Araria

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Babu @ Md. Monu @ Babu Monu, Son of Jaidul @ Md. Zahidul, R/o
Village- Nattunpara Ward No.-05, P.S.- Siliguri, District- Darjeeling (WEST
Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, 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 the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Mukesh Kumar Rana, learned counsel
appearing on behalf of the petitioner and the learned APP for the
State.

The petitioner seeks regular bail, who is in custody in
connection with Araria P.S. Case No. 242 of 2022 registered for
the offences punishable under Sections 30(a), 41 of the Bihar
Prohibition and Excise Act, 2016.

As per the prosecution case, it is alleged that in course
of vehicle checking, the police intercepted one Tata Ace vehicle
and on search 483. 75 liters of Indian made foreign liquor was



recovered. The petitioner was said to the driver of the said vehicle.

Learned counsel appearing on behalf of the petitioner submits that the petitioner happens to be driver of the said vehicle was not even aware as to what was loaded by the transporter/consigner of the goods, as the vehicle runs on fare/rent by its owner. It is further submitted that the petitioner has neither any concern with the vehicle nor with the illicit wine, which was loaded by the transporter/consigner. It is next submitted that the petitioner is in custody since 23.03.2022 having fair antecedent and moreover, after conclusion of the investigation, charge-sheet has been submitted.

On the other hand, learned counsel for the State opposes the bail application and submits that the petitioner was arrested at the spot with illicit wine.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner happens to be the driver was not even aware as to what was being carried by the transporter/consigner of the goods and moreover, the petitioner having fair antecedent is in custody since 23.03.2022, apart from the fact that the investigation of the crime is completed and the charge-sheet has been submitted, let the



petitioner, named above, 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 Special Judge, Excise-I, Araria in connection with Araria P.S. Case No. 242 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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