

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29454 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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Anuj Kumar, Son of Ramniwas Singh @ Shree Ramniwas Singh, Resident of
Village- Surajpur, P.S.- Kuravali, District- Mainpuri (Uttar Pradesh)
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, 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. Shanti Bhushan Singh, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Hajipur Excise P.S. Case No. 14 of 2022
registered for the offences punishable under Sections 30(a),
32(i), 32(3), 36, 41(i) and 41(2) of the Bihar Prohibition and
Excise Act, 2018.

As per prosecution case, it is alleged that the police on
a secret information that a truck is carrying with full of liquor
intercepted the truck and the petitioner, who was said to be the
driver of the said truck was arrested at the spot. On search being



made, total 4815.360 litres of Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submits that the petitioner happens to be the driver of the truck was not even aware as to what was being loaded by the consigner of the goods / transporter, as the truck runs for the purposes of transportation of goods on the direction of the owner/transporter. It is further submitted that the petitioner has neither any concern with the truck nor with the alleged recovered illicit liquor. It is next submitted that apart from the other infirmities in the seizure list, there is no compliance of Section 100 of the Cr.P.C. It is lastly submitted that this petitioner is in custody since 11.04.2022 having fair antecedent and moreover after completion of the investigation, charge-sheet has been submitted.

On the other hand learned APP for the State vehemently opposes the bail application and submits that a huge quantity of liquor has been recovered from the truck.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that petitioner happens to be the driver of the truck, which runs on the direction of the owner/transporter and moreover this petitioner is in custody since 11.04.2022 having clean antecedent, apart



from the fact that investigation of the crime is already completed and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Prohibition and Excise Court-II-cum Additional Sessions Judge, Vaishali at Hajipur in connection with Hajipur Excise P.S. Case No. 14 of 2022, subject to the condition that one of the bailors will be the local residents 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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