

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31625 of 2022

Arising Out of PS. Case No.-122 Year-2022 Thana- PHULPARAS District- Madhubani

Sandip Ray, S/o Shivanand Ray @ Shiv Kumar Ray, R/o village- Gangdhara,
P.S.- Phulparas, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagandeo Yadav, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-08-2022 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. Gagandeo Yadav, learned counsel for the petitioner and learned APP for the State through video conference.

The petitioner seeks regular bail, who is in custody in connection with Phulparas P.S. Case No. 122 of 2022 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that the police on a secret information intercepted a truck bearing registration no. HP65 7274 and on search total 1800 litres of Indian made foreign liquor was recovered. It is further alleged that the



petitioner, who is said to be the driver-cum-owner of the vehicle, was apprehended from the said truck.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner, who happens to be the driver of the vehicle, in question, was not even aware as to what was being loaded by the transporter/consigner of the goods, as the truck runs for the purpose of transportation of the goods on the order of the transporter/consigner. It is further submitted that the petitioner has no concern with the illicit wine allegedly recovered from the truck. It is next submitted that the petitioner is neither the owner of the truck nor he has any concern with the alleged seized liquor. The petitioner is in custody since 10.03.2022 and the investigation of the crime is completed and charge-sheet has been submitted in this case.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner has also been found involved in two other criminal cases.

In response to the aforesaid submission, learned counsel for the petitioner submits that the petitioner is on bail in both the cases.

Having regard to the submissions made on behalf of



the parties and considering the fact that the petitioner is neither the owner of the truck nor he has any concern with the illicit liquor and further the petitioner, who is said to be the driver of the truck, which runs for the purpose of transportation of the goods on the order of the transporter/consigner and moreover this petitioner is in custody since 10.03.2022, 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.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Phulparas P.S. Case No. 122 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

