

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29852 of 2022

Arising Out of PS. Case No.-150 Year-2022 Thana- GAYA MUFASIL District- Gaya

RAJU KUMAR S/o Late Baghuvir Singh Resident of Mohalla- Ramshila,
P.S.- Kotwali, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Advocate
For the State : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Moffasil P.S. Case No. 150 of 2022 registered for the alleged offences under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, from an e-rickshaw, the recovery of 70.875 liters of India made foreign liquor was made. The petitioner and co-accused were apprehended from the spot.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and nothing



incriminating has been recovered from his conscious possession. The petitioner is the driver of the e-rickshaw and he used to carry passenger for the purpose of his livelihood. A passenger came with some cartons and hired his e-rickshaw and this petitioner has no idea about the contents of the cartons. From the facts of the case, it is apparent that there is no compliance of provisions of Section 100 Cr.P.C. during search and seizure. Moreover, the petitioner has no concern with the allegedly recovered liquor or the business connected with it. Learned counsel further submits that co-accused Md. Firoz has been granted bail vide order dated 06.08.2022 passed in Cr. Misc No. 29693 of 2022. Charge sheet has already been submitted in this case and the petitioner is in custody since 13.03.2022 and he is having clean antecedent.

Learned APP opposes the prayer for bail of the petitioner submitting that recovery has been made from the e-rickshaw of this petitioner and he was apprehended from the spot.

Having regard to the submission made hereinabove and considering the clean antecedent of the petitioner along with his period of custody and submission of charge sheet against him and also grant of bail to the co-accused, the petitioner above



named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Gaya in connection with Muffasil P.S. Case No. 150 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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