

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29495 of 2022

Arising Out of PS. Case No.-21 Year-2022 Thana- CHOUTARWA District- West Champaran

Ravi Ahlawat, Son of Late Mantar Lall, R/O Village- Shariya, P.S.- Beri,
District- Jhajjar, Hariyana

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mazharul Hassan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2022 At the outset, learned counsel for the petitioner seeks permission to make necessary correction in the prayer portion of the bail application during the course of the day.

Permission is accorded.

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. Mazharul Hassan, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Chautarwa P.S. Case No. 21 of 2022 registered for the offences punishable under Sections 420, 120(B) of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

As per prosecution case, it is alleged that in course of



vehicle checking, the police intercepted a Car and on search being made total 441.75 litres of Indian made foreign liquor was recovered. It is further alleged that the alleged car was driven by the petitioner, who was apprehended at the spot.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner happens to be the driver of the car and he was not even aware as to what was being loaded by the owner of the car. It is further submitted that the petitioner has neither any concerned with the said car 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 the petitioner is in custody since 14.01.2022 having fair antecedent and moreover after completion of the investigation, charge-sheet has been submitted and he is ready to give undertaking to appear in the court on each and every date fixed by the court below.

On the other hand learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner happens to be the driver of the car and the car, in question, runs on hire/rent and he was not even aware as to what



was being loaded by the owner of the car. Further the petitioner is in custody since 14.01.2022 having fair antecedent and moreover the 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 Special Judge, Excise Act, Bagaha, West Champaran in connection with Chautarwa P.S. Case No. 21 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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