

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39240 of 2021**

Arising Out of PS. Case No.-55 Year-2021 Thana- HATHAURI District- Samastipur

Sadabrij @ Sadabriksh S/O Tarachand, R/o village- Barua, P.S.- Bithuna,
District- Oraiya (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Adv.

For the Opposite Party/s : Md. Matoob Rab, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 03-01-2022 Heard learned counsel for the petitioner as well as
learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 24.04.2021 seeks
regular bail in connection with Hathauri P.S. Case No.55 of
2021 registered for offence punishable under Section 30(a) of
Bihar Prohibition and Excise Act.

Prosecution case in short is that, informant who is
police official while he was engaged in patrolling a truck was
intercepted bearing registration no.UP16FT6643, the driver
including the petitioner was arrested and 2945.16 liters of illicit



foreign liquor was recovered from the truck.

Learned counsel appearing on behalf of the petitioner submits that he has falsely been implicated in this case. He is the driver of the vehicle and he was not aware that altogether 2945.16 liters of illicit foreign liquor was loaded on the said truck. He was only required to deliver the consignment to the respective destination. Learned counsel for the petitioner further submits that petitioner has clean antecedent and as such deserves to be released on bail.

Learned counsel appearing on behalf of the State submits that huge quantity of illicit foreign made liquor has been made from the vehicle and the petitioner is the driver and was apprehended on the spot. He further submits that due to consumption of illicit liquor recently hooch tragedy has been reported and as such due to sake of spurious liquor by organized illegal traders the petitioner do not deserves to be released on bail as his complicity in illegal trade cannot be ruled out.

Having considered the above submission of the learned counsel and facts and circumstances of the case and the fact that the owner of the truck bearing registration no.UP16FT6643 has not been made an accused in the present case on whose truck the alleged huge quantity of liquor about



2945.16 liters was recovered, the petitioner being driver is a daily wager and was not knowing about the consignment loaded on the truck the court below is directed to release the petitioner on furnishing bail bond of Rs.2,00,000/-(Rupees Two Lacs Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Ind-cum-Special Judge (Excise), Samastipur in connection with Hathauri P.S. Case No.55 of 2021, subject to the following conditions:-

(1) One of the bailor will be the wife of owner of the truck bearing registration no.UP16FT6643. If the wife of owner of the truck do not abide by the order of this Court, then the court below shall take appropriate legal action against her and in alternative the petitioner be allowed to furnish any other solvent sureties with like amount.

(2) One bailor should be local having sufficient immovable property within the jurisdiction of the court concerned.

(3) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(4) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.



(5) If the petitioner is found involved in similar nature of offence, after release on bail, the trial court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

Prakash Narayan /-

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