

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30887 of 2022

Arising Out of PS. Case No.-76 Year-2022 Thana- KUTUMBA District- Aurangabad

Anil Baloda, S/o Late Omilal Baloda @ Amilal @ Amilal Baloda, R/o
Village- Rayla, P.S.- Pilani, District- Jhujhanu (Rajasthan)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within 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 Kutumba P.S. Case No. 76 of 2022 registered
for the alleged offences under Sections 467, 468, 471/34 of the
Indian Penal Code and Sections 30 (a), 32 (ii), 36 and 41 (i) of
the Bihar Prohibition and Excise Act.

As per the prosecution case, total 1459.980 litres of
India made foreign liquor was recovered from a truck and the
petitioner, who is the driver of the said truck, was apprehended
from the spot.



The learned counsel for the petitioner submits that the petitioner is a professional driver and he was asked to deliver a consignment from Ranchi to Aurangabad. He took up the offer of the transporting the consignment without any knowledge of the liquor kept inside the truck, otherwise the petitioner has nothing to do with the liquor seized by the police. The petitioner is neither the owner of the truck nor he is regular driver of the said truck and took his duty as a part time driver when he was apprehended. The petitioner is in custody since 23.04.2022 and is having clean antecedent. The charge sheet has been submitted in this case.

Learned A.P.P. opposes the prayer for bail of the petitioner submitting that the huge quantity of liquor was recovered from the truck.

Having regard to the submissions made hereinabove and considering the submission of charge sheet and the period of custody of the petitioner along with his clean antecedent, he 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 Special Judge, Excise-1, Aurangabad, in connection with Kutumba P.S. Case No. 76 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.

V.K.Pandey/-

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(Arun Kumar Jha, J)

