

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31082 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- NAWANAGAR District- Buxar

Prakash Yadav Son Of Basti Ram R/O- Vill-Rambas P.S.- Mundwar Dist.-
Alwar (RAJASTHAN)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikram Deo Singh, Advocate.

For the Opposite Party/s : Ms. Gulnar Begum, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Vikram Deo Singh, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Nawanagar P. S. Case No. 18 of 2022 registered for the offences punishable under Sections 467, 468, 471, 120 (B) of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act.

As per the prosecution case, it is alleged that in course of vehicle checking, the police intercepted a Bolero Pick-



up van and on search total 858.72 litres Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner happens to be driver of the pick-up van, which runs for transportation of goods and he was not even aware as to what was being loaded by the consigner of the goods and owner of the vehicles. It is next submitted that only because of the past criminal antecedent, the name of the petitioner has been implicated in this case, though, the petitioner has neither any concern with the pick-up van nor with the alleged illicit wine. It is further submitted that there is other infirmities in preparation of seizure list, apart from the same being without compliance of the provision of Section 100 of the Cr.P.C. It is also submitted that the petitioner is in custody since 19.01.2022.

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 account the fact that the petitioner being driver of the Bolero pick-up van, which runs for transportation of goods by the order of transporter/owner of the vehicle and moreover, the petitioner is in custody since



19.01.2022, though the investigation of the crime is already completed and the charge sheet has been submitted, let the petitioner, above named, 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, Court No. 2, Buxar in connection with Nawanagar P. S. Case No. 18 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner 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.
- (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 step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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