

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29834 of 2022

Arising Out of PS. Case No.-83 Year-2022 Thana- ARWAL District- Jehanabad

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ASHOK KUMAR S/o Prem Kumar @ Prem Ram R/o village- Nargada, P.S,-
Shahpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Paras Nath, Advocate
For the State : Mr.Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 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 Arwal P.S. Case No. 83 of 2022 registered for the alleged offences under Sections 30(a) and 41 of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, on getting secret information that illicit India made foreign liquor was concealed under water bottles loaded on a mini truck, the said truck which was parked at the hotel was searched and the petitioner was apprehended from the spot. During search of the vehicle, 1926 liters of India made



foreign liquor was recovered which was kept behind the water bottles.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case as he is merely a driver and was having no knowledge about the consignment of liquor. It is apparent from the FIR that petitioner was handed over the loaded truck by its owner Sanjit Kumar Tiwari and asked to deliver it to Danapur but the petitioner was not knowing the nature of the consignment and it is clear that it is the owner, who is made co-accused in this case, is fully responsible for the recovered illicit liquor. Charge sheet has already been submitted in this case and the petitioner is in custody since 03.03.2022. Learned counsel further submits that the petitioner has got no criminal antecedent. He also submits that the date of incarceration has been wrongly mentioned in paragraph 10 of this petition and the same has been corrected by filing a supplementary affidavit.

Learned APP opposes the prayer for bail of the petitioner submitting huge quantity of liquor has been recovered from the vehicle of this petitioner and he was apprehended from the spot.

Having regard to the submission made hereinabove and considering the fact that the petitioner is stated to be the driver and further considering his clean antecedent and submission of charge sheet along with period of custody of this petitioner, 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 Special Excise Court No. II, Jehanabad in connection with Arwal P.S. Case No. 83 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.
- (iv) 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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