

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31142 of 2022

Arising Out of PS. Case No.-340 Year-2021 Thana- AMAS District- Gaya

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Shani Kumar Yadav Son Of Shyam Yadav R/O Village- Near Navin Adarsh
Balika Vidalya, P.S.- Ramkrishna Nagar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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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. Jitendra Kumar 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 Amas P. S. Case No. 340 of 2021
registered for the offences punishable under Section 30 (a) of
the Bihar Prohibition and Excise (Amendment) Act.

As per the prosecution case, it is alleged that in
course of patrolling duty, the police intercepted an Indica car
and on search, total 146.34 litres Indian made foreign liquor was
recovered from the dickey of the said car. It is further alleged



that the petitioner was apprehended, while he was sitting on the seat of the driver of the car in question.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is said to be driver of the car in question, which runs for carrying the passengers and transportation of goods on the order of the owner and in fact, the petitioner was not even aware as to what was being carried by the passengers or the owner of the car. It is further submitted that the petitioner having fair antecedent is in custody since 13.12.2021 and moreover, the investigation of the crime is already completed and the charge sheet has been submitted much earlier.

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 happens to be driver of the vehicle in question, which runs for the purposes of carriage of passengers on rent and the petitioner has no concern with the alleged recovered illicit wine and he is in custody since 13.12.2021, having fair antecedent, 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 Exclusive Special Excise Judge, Gaya in connection with Amas P. S. Case No. 340 of 2021, 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.

(Harish Kumar, J)

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