

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40840 of 2021

Arising Out of PS. Case No.-567 Year-2020 Thana- NARPATGANJ District- Araria

Shiv Nath Das Son of Rajendra Das Resident of Village Harsher Ward No. 16,
P.S. Shivaipatti, District - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-01-2022 Heard the parties through the video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and the learned APP for the State.

Petitioner who is in custody since 25.12.2020 seeks
regular bail in connection with Narpatganj P.S. Case No. 567 of
2020 registered for the offence punishable under section 30(a),
41 and 47 of Bihar Prohibition and Excise Act, 2016.

Prosecution case in brief is that on 24.12.2020 the
informant got a secret information that an ambulance vehicle
was standing on NH 57 wherein wine was being loaded by
some persons and on the basis of such information, he along
with other police officers proceeded towards the place of
occurrence and arrested three persons and also recovered
250.200 liters of foreign liquor from the said vehicle.



Learned counsel appearing on behalf of the petitioner submits that the petitioner is the driver of the vehicle and on the instruction of the owner of the vehicle he had taken the vehicle. He further submits that the petitioner is innocent and he has falsely been implicated in the present case. He has no concern with seized liquor and he is in custody since 24.12.2020. He further submitted that the mandatory provision of Section 100 of the Cr.P.C. was not followed while preparing the seizure list.

Considering the above mentioned facts and circumstances of the case, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 2,00,000/- (Two lakh) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge Excise Act, Araria, in connection with Narpatganj P.S. Case No. 567 of 2020 arising out of Special Case No. 1111 of 2020 subject to the condition that one of the bailors should be wife of the petitioner with the further following condition:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall cooperate in the trial and shall be



properly represented on each and every date fixed by the Court.

(3) 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.

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

(Purnendu Singh, J)

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