

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32341 of 2022

Arising Out of PS. Case No.-68 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

Awadhesh Kumar, S/o Rajkishore Rai @ Raj Kishore Yadav, R/o Village-
Olipur Sarhachiya, P.S.- Mahindwara, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

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

Heard Mr. Virendra Kumar, learned counsel for the petitioner and learned APP for the State through video conference.

The petitioner seeks regular bail, who is in custody in connection with Runnisaidpur P.S. Case No. 68 of 2020 registered for the offences punishable under Sections 30(a), 30(g), 38(i)(ii), 41(i)(ii) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that the police on a secret information that illicit liquor is being carried by some vehicles, intercepted the Pick-up van, bearing registration no.



BR06GD 4827 and on search total 638.280 litres of Indian made foreign liquor was recovered. It is further alleged that the co-accused Dhiraj Kumar and Bhushan Kumar were apprehended by the police, who were sitting in the vehicle and they disclosed the name of the petitioner, as owner of the vehicle.

Learned counsel appearing on behalf of the petitioner submits that the alleged Pick-up van runs for transportation of goods on rent/fare and it was given to co-accused persons for the purpose of transportation of goods. It is next submitted that the petitioner being the owner of the Pick-up van was not even aware as to what was being carried by the driver of the Pick-up Van. It is next submitted that only on account of past criminal antecedent of the petitioner, his name has been implicated in this case, though the petitioner is on bail in both the cases, the description of which is mentioned in para. 3 to the bail application. It is lastly submitted that this petitioner is in custody since 16.04.2022 and the investigation of the crime is already completed and charge-sheet has been submitted.

On the other hand learned APP for the State opposes the bail application and submits that the petitioner is found involved in two other similar kind of cases.

Having regard to the submissions made on behalf of



the parties and considering the fact that the petitioner happens to be the owner of the Pick-up Van, which runs on rent for transportation of goods by the driver and co-driver and the petitioner was not even aware as to what was being carried by them and moreover the petitioner is in custody since 16.04.2022 and the investigation of the crime is already completed and charge-sheet has been submitted, let the petitioner, named above, 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 Judge, Excise Court No.-I, Sitamarhi in connection with Runnisaipur P.S. Case No. 68 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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