

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32426 of 2022

Arising Out of PS. Case No.-531 Year-2021 Thana- JAGDISHPUR District- Bhojpur

Niraj@Niraj Kumar Son Of Ramkrishna @ Ram Kishan Resident Of Village
- Sisana, P.S.- Kharakhonda, Distt.- Sonipath (Haryana).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-09-2022 Heard Mr. Navin Kumar Singh, learned counsel
appearing on behalf of the petitioner and Mr. Sanjay Kumar
Sharma, learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 20.12.2021,
seeks regular bail in connection with Jagadishpur P.S. Case No.
531 of 2021, for the offence punishable under Sections 272,
273, 420, 467, 468, 471, 120B/34 of the IPC and 30(a) of the
Bihar Prohibition and Excise Amendment Act 2018.

The prosecution case, in brief, is that there is recovery
of 666 litres of foreign liquor loaded on truck bearing reg. No.
UP 92T 7117.

Learned counsel appearing on behalf of the petitioner
submitted that he has made specific statement in Paragraph Nos.



12 and 13 of the bail application that the petitioner is Khalasi of the truck and the said truck belongs to one Deepak s/o Baladev. The record shows that the petitioner was Khalasi and he was not aware of the goods loaded on the truck. The loaded articles contained certain GST goods, which were to be delivered to the specified destination and in the garb of the same liquor was loaded on the truck. Petitioner has clean antecedent and he is in custody since 20.12.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Having heard the rival submissions, perused the allegation made in the F.I.R. and the materials on record and having found that the petitioner is Khalasi and the specific allegation is against the owner of the truck. Petitioner has clean antecedent and has remanded in custody since 20.12.2021, charge sheet has already been submitted. The petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1, Bhojpur, Ara in connection with Jagadishpur P.S. Case No. 531 of 2021, subject to the following conditions:-



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

(2) Petitioner shall co-operate 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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