

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35988 of 2022**

Arising Out of PS. Case No.-113 Year-2022 Thana- FATEHPUR District- Gaya

BAJRANGI KUMAR Son of Arjun Sharma @ Arjun Thakur Resident of
Village - Hadsa, P.s.- Hisua, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan Kumar, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 26-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

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 Fatehpur P.S. Case No. 113 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, the recovery of 79.5 liters of India made foreign liquor was made from a tempo and the petitioner is stated to be its driver who was apprehended from the spot.

Learned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in this case. No recovery has been made from his conscious possession. The petitioner is merely a driver and he has no knowledge about the articles loaded in the tempo and hence, he has no concern with the recovered liquor. The petitioner is having clean antecedent and he is in custody since 08.03.2022. Charge sheet has been submitted against him.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner is aged 18 years and is stated to be driver of the tempo and also considering the clean antecedent of the petitioner and submission of charge sheet along with his period of custody, 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 Exclusive Special Excise, Court No. 01, Gaya in connection with Fatehpur P.S. Case No. 113 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.

(iii) 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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