

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44558 of 2021

Arising Out of PS. Case No.-163 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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RAHUL, S/o Manish Pal @ Munesh Pal, R/o village- Jal Nagar, P.S.- Kaimri,
District- Rampur, State (Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan, Adv.
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-02-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Excise P.S. Case No.163 of 2021 registered for
the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016. He is in custody since
24.05.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that, as per
the First Information Report, 540 liters of illicit liquor was
recovered from a vehicle of which the petitioner is a driver.



Learned counsel for the petitioner submits that the petitioner is the driver of the truck from which the illicit liquor was recovered and he has no concern with the illicit liquor kept in the truck. It is submitted that the petitioner has no criminal antecedent and he is in custody in connection with this case since 24.05.2021.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the petitioner is the driver of the vehicle and was not aware of the illicit liquor kept with the goods loaded on the truck and further submission that the petitioner has got no criminal antecedent, has remained in custody since 24.05.2021 and is ready to provide a local bailor being permanent resident of the State of Bihar having sufficient means, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge of Excise Act, Gaya in connection with Excise P.S. Case No.163 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that one of the bailors would be



the permanent resident of the State of Bihar having sufficient means.

And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

