

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35029 of 2022

Arising Out of PS. Case No.-125 Year-2022 Thana- NARPATGANJ District- Araria

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Ashok Kumar S/o Mohan Lal Resident of Muhalla- I.T.I., Yogendra Nagar,
P.S.- City Gandhi Nagar Chouki, District- Yamunanagar- Jagradi (Haryana).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-09-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State through
video conferencing.

Petitioner seeks bail in a case registered in
connection with Narpatganj P.S.Case No. 125 of 2022 for
the offences punishable under Sections 272, 273, 420/34 of
the Indian Penal Code and section 30(a) 36 of the Bihar
Prohibition & Excise Act 2016.

It is alleged that total 5250 liters illicit spirit was
recovered from the truck, which was being driven by this
petitioner.



Learned counsel for the petitioner submits that petitioner happens to be driver of the truck was not even aware as to what was being loaded by the owner / consignor of the goods as the truck runs for transportation of the goods on the dictate of owner/ transporter. He further submits that there is other infirmities in the seizure list apart from non compliance of Section 100 of the Code of Criminal Procedure. He last submits that the petitioner is in custody since 26.03.2022 and further no custodial investigation is required as after conclusion of the investigation, charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that tractor runs for transportation of the goods and the petitioner being driver of the same was working on the dictate of owner/ transporter of the goods, apart from the petitioner having fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the



satisfaction of learned Special Judge, Excise-I, Araria in connection with Narpatganj P.S.Case No. 125 of 2022 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 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.

(Harish Kumar, J)

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