

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44147 of 2021

Arising Out of PS. Case No.-174 Year-2021 Thana- PALIGANJ District- Patna

VIMAL KUMAR S/o LATE RAM DAS SAO R/O VILL PURANI
SARAIYA, PS PALIGANJ, DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh

For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and 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 01.06.2021,
seeks bail in connection with Paliganj P.S. Case No. 174 of 2021
(Special Case No. 3336 of 2021), for the offence punishable
under Section 420 of the Indian Penal Code and Section 30(a),
37(b)(c) of the Bihar Prohibition and Excise (Amendment) Act,
2018.

The prosecution case, in brief, is that altogether
949.875 litres of illicit liquor was recovered from two vehicles
i.e. Pickup van bearing registration No. BR-1AM-5199 and
Innova car bearing registration No. BR-10PB-7832. The



petitioner is driver of pick up van bearing registration No. BR-1AM-5199, whose owner's name is Suraj Kumar, who has not been made accused in the present case.

Learned counsel appearing on behalf of the petitioner submits that one Suraj Kumar has engaged the petitioner to deliver goods loaded on pick up van bearing registration No.BR-1AM-5199 to required destination. He was not knowing about the consignment loaded on it. Even the raiding officers did not demand about the consignment note, the road/transit permit duly issued by the consignor. He further submits that even the Police personnel have not mention about such lacuna. He further submits that petitioner is innocent and was not aware of the fact that the vehicle was containing illicit liquor and petitioner has falsely been implicated in this case, while the real culprit, the owner of the vehicle has not been made accused in the present. The petitioner has disclosed his name to the concerned officials. He further submits that petitioner has no criminal antecedent.

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

Considering the aforesaid facts and circumstances of the case, the petitioner, above named, is directed to be enlarged



on bail on furnishing bail bond of Rs. 3,00,000/- (Rs. Three Lakh) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise), Patna in connection with Paliganj P.S. Case No. 174 of 2021 corresponding to Special Case No. 3336 of 2021. One surety must be the wife of the owner of the aforesaid vehicle bearing registration No. BR-1AM-5199, if the wife of the owner of the said vehicle refuses to become bailor on behalf of the petitioner, the Court below shall take appropriate legal action against the wife of the owner of the said vehicle and in that circumstances, this Court directs that any local respectable person shall execute bond for release of the petitioner, subject to the following further conditions:-

(1) Bailors should have 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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