

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36772 of 2022

Arising Out of PS. Case No.-85 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Kanhai Kumar Son Of Late Raj Bali Ray R/O Village- Pathar Ghat, P.S.-
Malsalami, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rudra Deo, Advocate.

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-09-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Rudra Deo, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State through video conference.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Excise P. S. Case No. 85 of 2022 giving
rise to Special Case No. 2148 of 2022 registered for the offences
punishable under 30 (a) and 56 (b) of the Bihar Prohibition and
Excise (Amendment) Act,2018.

As per the prosecution case, it is alleged that 140



litres country-made wine contained in four bags were recovered from a tempo, which was said to have been driven by the petitioner. However, learned counsel for the petitioner submits that there is an error on record in the impugned order to the extent that total 175 litres illicit wine was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner happens to be driver of the tempo, in question, used to carry the passengers and goods was not even aware as to what was being carried by the passengers over it. It is further submitted that the petitioner having fair antecedent, is in custody since 23.04.2022 and apart from the aforesaid fact that there is no compliance of Section 100 of the Cr.P.R.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner happens to be driver of the tempo, in question, which runs for carrying passengers and goods and moreover, he is in custody since 23.04.2022, having fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the



like amount each to the satisfaction of learned Special Judge Excise, Patna in connection with Excise P. S. Case No. 85 of 2022 giving rise to Special Case No. 2148 of 2022, subject to the condition that one of the bailors will be the close relative 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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