

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37314 of 2022

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

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Rajendra Kumar Son Of Late Mannak Ray @ Late Janak Ray R/O Village-
Kaima Shikoh, Gurugovind Singh College Kila Road, P.S.- Chowk, District-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, 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. Jay Ram Prasad, 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 Patna 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. It is also alleged that the petitioner was sitting



beside the driver from which recovery was made. However, learned counsel for the petitioner submits that there is an error on record in impugned order that total 175 litres illicit wine was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was sitting beside the driver and he is one of the passengers, who were sitting in the tempo, in question, and in the meantime, the police intercepted and apprehended him on suspicion. It is next submitted that the petitioner being one of passengers, was not even aware as to what was being loaded by other passengers and the driver . 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 is one of the passengers, who were sitting beside the driver of the tempo, in question and being one of the passengers, he is not even aware as to what was being loaded by other passengers and the driver, though, 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 Patna 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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