

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38362 of 2022

Arising Out of PS. Case No.-7 Year-2022 Thana- RAJAON District- Banka

BIRENDRA SINGH Son of Late Suresh Singh Resident of Village - Dumari
Tola, P.S. and District - Godda, Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Balram Kapri, Advocate.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 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. Balram Kapri, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Rajoun (Nawada O.P.) P. S. Case No. 07 of 2022 registered for the offences punishable under Section 30 (a) and 32 (2) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that the police, in course of patrolling duty, intercepted a tempo, which was being driven by the petitioner and on search 93.250 litres



Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner happens to be driver used to run the tempo for carrying the passengers and goods and he was not even aware as to what was being carried by the passengers and moreover, from the tenor of the F.I.R. it is evident that on noticing the police party other passengers, who were sitting in the said tempo fled away. It is further submitted that the petitioner has no concern with the alleged recovered illicit wine. It is last submitted that the petitioner having fair antecedent, is in custody since 05.01.2022 and the investigation of the crime is already completed and the charge sheet has been submitted.

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

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the petitioner being tempo driver runs the same for carrying the passengers and he has no concern with the illicit wine, apart from the fact that the petitioner having fair antecedent, is in custody since 05.01.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/-



(Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge- 2nd, Banka in connection with Rajoun (Nawada O.P.) P. S. Case No. 07 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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