

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38765 of 2022

Arising Out of PS. Case No.-327 Year-2021 Thana- RAJAON District- Banka

Shishir Kumar Son Of Ram Bilekh Choudhary Resident Of Village - Barri
Behta, P.S.- Choraut, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 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 Rajoun P.S. Case No. 327 of 2021 for the
offences punishable under Sections 30(a), 32(2) of the Bihar
Excise (Prohibition) Amendment Act.

As per the prosecution case, it is alleged that the
police on secret information intercepted a six wheeler truck
bearing registration no BR-24G-0756 and on search total
1286.850 Indian made foreign liquor has been recovered.



The petitioner is said to be driver of the truck, who was apprehended at the spot.

Learned counsel for the petitioner submits that the petitioner is neither driver nor Khalsi of the truck. In fact while he was returning to his house, he took lift on the said truck and in the meantime, the police intercepted the truck and he was apprehended on suspicion. He further submits that the driver of the vehicle in question namely, Lal Bahadur Sah has already been granted bail by this Court in Cr. Misc. No. 7274 of 2022 vide order dated 26.05.2022. Moreover, petitioner is in custody since 01.09.2021, having clean antecedent, though the investigation has already been completed and the charge sheet has submitted.

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

Regard being had to the submission made on behalf of the parties and considering the fact that petitioner having clean antecedent and is in custody since 01.09.2021 and co-accused having identical allegation has already been granted bail by a co-ordinate Bench of this Court, 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 Sessions Judge-V, Banka in connection with Rajoun P.S.Case No. 327 of 2021 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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