

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38524 of 2022

Arising Out of PS. Case No.-223 Year-2022 Thana- JAHANABAD District- Jehanabad

Pritam Kumar S/o Late Kaptan Singh R/o village- Gandhra, P.S.- Sapla,
District- Rohtak (Haryana)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate

For the Opposite Party/s : Mr. Arun Kumar, 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 Jehanabad P.S. Case No. 223 of 2022 for the offences punishable under Sections 30(a) of the Bihar Excise (Prohibition) Amendment Act.

As per the prosecution case, it is alleged that while the police personnel were on patrolling duty, they intercepted a truck which was being driven by the petitioner and on search 1485 liters Indian made foreign liquor was



recovered.

Learned counsel for the petitioner submits that the trucks runs for the purposes of carrying the goods on the dictate of owner/ consignor and he being driver of the truck had no knowledge as to what was being loaded and carried by the consignor/ owner. He next submits that the owner of the vehicle has also been made accused in this case, who is responsible for the alleged recovery. However, the petitioner has neither any concern with the vehicle nor with the illicit liquor. He next submits that petitioner having fair antecedent is in custody since 28.03.2022 and after completion of investigation charge sheet has already been 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 happens to be driver of the truck was responsible for safe driving and transportation of goods and was not aware as to what was being loaded by the owner/ consignor. Moreover, petitioner having fair antecedent is in custody since



28.03.2022, 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 Special Judge, Excise-II, Jehanabad in connection with Jehanabad P.S.Case No. 223 of 2022 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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