

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48070 of 2021

Arising Out of PS. Case No.-153 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Ravi Bharti, S/O Late Shatrughan Bharti, R/O Ranga Tand, Sharmik Chowk,
Near Sadhu Hotel, P.S.-Dhanbad, District-Dhanbad (Jharkhand), Pin Code-
826001

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-02-2022 Today being Friday, matters are being taken up
through virtual mode as per current procedure for hearing.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Spl.
Excise P.S. Case No.153 of 2021 registered for the offence
punishable under Section 30(a), 56(b) of the Bihar Prohibition
and Excise Amendment Act, 2018.

There is an alleged recovery of 108 litres illicit
liquor from the vehicle. The petitioner is stated to be the Driver.

Counsel for the petitioner submits that the petitioner
is innocent. He was not aware of the fact that the vehicle was
carrying any illicit liquor as he was lending his professional



services as a Driver. He has no concern with the alleged recovery and is on bail in Dhanbad G.R.P.S. Case No.119 of 2018. In the instant case, he has been in custody since 13.05.2021.

Mr. Ram Sumiran Rai, learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, period of custody and the fact that the petitioner has denied and disputed the recovery by asserting that the same is not in accordance with the procedure prescribed under the Cr.P.C.; as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-2nd-Cum-Special Judge, Excise Act, Gaya, in connection with Spl. Excise P.S. Case No.153 of 2021, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner.



The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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