

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39030 of 2022

Arising Out of PS. Case No.-36 Year-2022 Thana- KALER District- Jehanabad

SONBEEAR @ SONABIR Son of Late Roop Singh, R/o Village - Sumpura,
P.S.- Farah, District - Mathura, (Uttar Pradesh).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dheeraj Kumar,Adv.

For the Opposite Party/s : Mr.Raj Ballabh Singh,APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-08-2022 Let the defect, if any, be removed within two weeks
from today.

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

Petitioner seeks regular bail in connection with Kaler
P.S. Case No. 36 of 2022 lodged under Sections 30(a) and 42 of
Bihar Prohibition and Excise Amendment Act, 2018.

As per the prosecution, total recovery of excise
material in the present case is 3548.160 litres of foreign liquor
from *Hiwa Truck*.

Learned counsel for the petitioner submits that
petitioner is the driver of *Hiwa Truck*. Learned counsel for the
petitioner further submits that petitioner is innocent and
committed no offence. He further submits that petitioner is just a

driver and completely unaware that what is loaded on the truck. He further submits that charge sheet has already been filed in this case and petitioner is in custody since 09.04.2022. On the point of his criminal antecedent, learned counsel submits that there is one case pending against the petitioner but it is not related to the excise act.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of the case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Learned Special Judge Excise Court No.II, Jehanabad in connection with Kaler P.S. Case No. 36 of 2022, subject to the conditions as laid down under Section 437(3) Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall

file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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