

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39043 of 2022

Arising Out of PS. Case No.-33 Year-2022 Thana- KARAI PARSURAI District- Nalanda

RAJU S/O LATE MAHENDRA Resident of Panjuara, P.S.- Bahadurgarh,
District- Sirsa (Haryana).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gaurav Prakash

For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-08-2022 The present matter has been listed under the heading :

“To Be Mentioned” on the basis of mentioning slip filed on

behalf of the petitioner.

Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner seeks bail in connection with Karay

Parsurai P.S. Case No. 33/2022 registered for the offences

punishable under Sections 30(a), 32 (ii), 36, 41 (i) of the Bihar

Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery of

total 8865.360 liters foreign liquor from the truck in question.

The petitioner was driver of the said truck and he apprehended



on the spot.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 05.04.2022 and bears no criminal antecedent. Learned counsel for the petitioner further submits that the petitioner was neither owner of the said truck in question nor concerned with the seized liquor. The petitioner was driver of the said truck and the transporter/owner of the said truck is someone else and he was not aware of the fact that illegal liquor has been loaded in the said truck. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two



sureties of the like amount each to the satisfaction of learned Special Excise Court No.-1, Biharsharif in connection with Karay Parsurai P.S. Case No. 33/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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