

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40592 of 2022

Arising Out of PS. Case No.-210 Year-2022 Thana- SAHPUR District- Patna

Prakash Kumar S/O Sadhu Paswan Resident Of Mohalla- Anishabad, P.S.-
Beur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Setu Pratik, Adv

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-09-2022 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 Shahpur P.S. Case No.210 of 2022 for the
offences punishable under Sections 30(a), 41,56 of the
Bihar Excise (Prohibition) Amendment Act.

The police on a secret information, intercepted a
Tata Magic vehicle and on search total 150 liters country
made liquor was recovered. The petitioner is said to be
driver of the tempo was apprehended at the spot.



Learned counsel for the petitioner submits that the petitioner being driver of the tempo was not even aware as to what was being loaded by the consignor / owner of the tempo as the tempo runs for the purpose of carrying good/passengers. He further submits that in fact nothing incriminating material has been recovered from conscious or constructive possession of the petitioner but only on account of he being a tempo driver apprehended on suspicion and the petitioner having no criminal antecedent is in custody since 13.05.2022 though, after completion of investigation charge sheet has 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 after completion of investigation charge sheet has been submitted and there is no likelihood of commencement of trial of the petitioner in near future, 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,



Danapur in connection with Shahpur P.S.Case No. 210 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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