

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40414 of 2022

Arising Out of PS. Case No.-90 Year-2022 Thana- SANDESH District- Bhojpur

Mahavir Lohar @ Mahavir Bishwakarma Son Of Late Shanicharawa Lohar
R/O Village- Rahra Simal Vera, Pithauriya, P.S.- Pithauriya, District- Ranchi
(JHARKHAND)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Namrata Mishra, Advocate.

For the Opposite Party/s : Mr. Harendra Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-09-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Ms. Namrata Mishra, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Sandesh P. S. Case No. 90 of 2022 registered for the offences punishable under Sections 471, 472, 473, 467, 468, 420, 120 (B) of the Indian Penal Code and Sections 30 (a), 32(c) and 31 of the Bihar Prohibition and Excise Act.



As per the prosecution case, it is alleged that the police, on a secret information, intercepted a Tata LPT-407 and on search, total 739.245 litres of Indian made foreign liquor was recovered. It is also alleged that the petitioner was apprehended from the place of occurrence, who is said to be driver of the said vehicle.

Learned counsel appearing on behalf of the petitioner submitted that the vehicle, in question, runs for the purposes of transportation of the goods and the petitioner being driver of the vehicle was not even aware as to what was carried by the transporter/owner of the vehicle. It is also submitted that the petitioner having fair antecedent, is in custody since 04.05.2022 and moreover, he has neither any concern with the said vehicle nor with the illicit wine, which is said to have been recovered. It is further submitted that now the investigation of the crime is already completed and charge sheet has been submitted and there is no chance of absconding of the petitioner and tampering with the evidences and he is ready to give undertaking that he will fully cooperate in the trial till its conclusion.

On the other hand, learned APP for the State opposes the bail application.



Regard being had to the submissions made on behalf of the parties and taking into account the fact that the petitioner being driver of the vehicle, in question, had no concern with regard to the loading and unloading of the goods, which was being done by the transporter/owner of the vehicle and moreover, the petitioner having fair antecedent, is in custody since 04.05.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge- XI-cum-Exclusive Special Excise Court, Bhojpur, Ara in connection with Sandesh P. S. Case No. 90 of 2022, subject to the condition that one of the bailors will be the close relative 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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