

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41251 of 2022

Arising Out of PS. Case No.-373 Year-2021 Thana- BIKRAM District- Patna

Adarsh Kumar @ Deepak Kumar, Son of Dilip Yadav, Resident of Village -
Gopalpur, P.S.- Bikram, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

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

Heard Mr. Dhananjay Kumar Tiwary, learned counsel
for the petitioner and learned APP for the State, through video
conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Special Excise Case No. 8965 of 2021 arising
out of Bikram P.S. Case No. 373 of 2021 registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

The police on a secret information, intercepted a
tempo and on search total 319.215 litres of Indian made foreign
liquor was recovered. It is further alleged that the petitioner was
apprehended at the place of occurrence, who is said to be the



driver of the said tempo.

Learned counsel appearing on behalf of the petitioner submits that the petitioner, who happens to be the driver of the tempo, in question, runs the same for the purposes of transportation of goods and carrying passengers and he was not even aware as to what was loaded by the passengers and the owner of the tempo. He further submits that the petitioner is neither the owner of the tempo nor he has any concern with the alleged illicit wine. He further submits that the petitioner, having fair antecedent, is in custody since 30.01.2022 and, moreover, 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 evidence. He lastly submits that there is various other infirmities in the preparation of seizure list apart from, non-compliance of Sections 81 and 82 of the Bihar Prohibition and Excise, Act.

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

Regard being had to the submission made on behalf of the parties and considering the fact that the petitioner happens to be the driver of the tempo, which runs for the purposes of transportation of goods and carrying of the passengers and, moreover, the petitioner, having fair antecedent,



is in custody since 30.01.2022, apart from the investigation of the crime is already completed and charge sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Danapur (Patna) in connection with Special Excise Case No. 8965 of 2021 arising out of Bikram P.S. Case No. 373 of 2021, 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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