

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51864 of 2021

Arising Out of PS. Case No.-75 Year-2021 Thana- AMBA District- Aurangabad

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Santosh Kumar, S/o- Late Shivdas Singh, Resident of Village- Rohai, P.S.-
Arwal, District- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Anand, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd., App

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-04-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of four weeks from today.

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

The petitioner seeks regular bail, who is in custody in
connection with Amba P.S. Case No. 75 of 2021 for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2018.

As per the prosecution case, it is alleged that on
20.06.2021, the police during vehicle checking intercepted one
motorcycle and one Tempo. The said Tempo was driven by this
petitioner. On search 247.5 litres of illicit liquor has been
recovered from the seized Tempo.



It is submitted on behalf of learned counsel for the petitioner that though the petitioner is said to be the driver of the Tempo, in question, which was seized by the police, but the petitioner being the driver runs the Tempo on hire and he was even not aware as to what material has been loaded by the consigner. It is further submitted that the petitioner has no concern with the alleged recovered illicit liquor. It is also submitted that the petitioner is in custody since 20.06.2021 having absolutely clean antecedent and moreover, the investigation has already been concluded and the charge-sheet has also been submitted in the present case.

On the other hand, learned APP for the State opposes the bail application and submits that a huge recovery of liquor has been made from the Tempo, which was being driven by this petitioner.

Having considered the submissions made on behalf of the parties and taking into consideration this fact that the petitioner is said to be the driver of the Tempo and having clean antecedent and is in custody since 20.06.2021, apart from the fact that investigation has already been concluded and the charge-sheet has been submitted, let the petitioner, named above, 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 Sessions Judge-II-Cum-Special Judge (Excise), Aurangabad in connection with Amba P.S. Case No. 75 of 2021 (G.R. No. 768 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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