

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41511 of 2022

Arising Out of PS. Case No.-43 Year-2022 Thana- BALIGAON District- Vaishali

Shrawan Singh S/o Jaimal Singh R/o Mandori Mahima, P.S.- Chati Bhind,
District - Amritsar, Punjab.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gaurav Prakash, Advocate.

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-09-2022 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. Gaurav Prakash, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Balogaon P.S. Case No. 43 of 2022, for the offences punishable under Sections 420, 465, 467, 468 and 471 of the Indian Penal Code and Sections 30(a), 32(ii), 36 and 41(i) of the Bihar Prohibition of Excise Amendment Act, 2018.

In course of vehicle checking, police intercepted a truck bearing Registration No. RJ 14GD 6905 and on search total 4493.52 liters Indian made foreign liquor was recovered. The petitioner is said to be the driver of the truck, was



apprehended at the spot.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner happens to be the driver of the truck and was not even aware as to what was being carried in the truck by the transporter/cosigner of the goods. The truck in question, runs for transportation of the goods on the dictate of the transporter/cosigner and he being the driver was only obliged to run the truck safely. He further submitted that the petitioner having fair antecedent, is in custody since 28.04.2022 and the investigation of the crime is already complete and the charge-sheet has been submitted and to keep the petitioner behind the bar would serve no further purpose. He also submitted that the petitioner is ready to give his undertaking that he will fully cooperate in the investigation and the trial of the case.

On the other hand learned APP of the State has vehemently opposed the bail application and submitted that the petitioner appears to be resident of Amritsar and if the petitioner would be released, it would be difficult to secure his presence.

Regard being had to the submissions made on behalf of the parties and Considering the fact that the petitioner happens to be the driver of the truck has neither any concern with the consignment nor he was knowing as to what was being carried out by



the transporter/cosigner, although the petitioner having fair antecedent, is in custody since 28.04.2022 and investigation of the crime is already complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty-five thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-I-cum-Additional District & Sessions Judge, Hajipur, in connection with Balogaon P.S. Case No. 43 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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