

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41979 of 2022

Arising Out of PS. Case No.-51 Year-2022 Thana- BALIGAON District- Vaishali

Radheshyam Roy Son of Late Krishn roy Resident of Village - Fatuhan
Govindpur, P.s.- Fatuhan, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-09-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr, Manoj Kumar, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

Petitioner seeks bail in a case registered in connection
with Baligaon P.S. Case No. 51 of 2022 for the offenses
punishable under Sections 414 and 420 of the Indian Penal
Code and section 30(a), 30(ii), 36, 41 of the Bihar Excise
(Prohibition) Amendment Act.

As per the prosecution case, it is alleged that in
course of patrolling duty, the police intercepted a truck bearing
registration number BR05-5212 and on search total 3028.680
liters Indian made foreign liquor was recovered. It is further



alleged that the petitioner was apprehended at the spot, who is said to be driver of the truck.

Learned counsel for the petitioner submits that the petitioner happens to be driver of the truck was not aware as to what was loaded in the truck by the owner/transporter/consignor of the goods as the truck in question runs for transportation of the goods on the order of transporter/consignor and the petitioner has neither any concern with the accused persons nor with the illicit liquor. He being driver is only obliged to drive a truck safely. It is next submitted that the petitioner is in custody since 12.05.2022, having fair antecedent and the investigation of the crime is already complete and the 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 petitioner happens to be driver of the truck which runs for transportation of the goods by the transporter/ consignor and moreover, petitioner having fair antecedent is in custody since 12.05.2022 and the investigation of the crime is complete and the charge sheet has been submitted, 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 Additional Sessions Judge cum Special Judge, Excise-I, Vaishali at Hajipur in connection with Baligaon P.S.Case No. 51 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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