

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43735 of 2022

Arising Out of PS. Case No.-92 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Darbhanga

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Sonu Kumar Ram, S/o Sri Chandeshwar Ram, R/o village- Gausa, Ward No. 14, P.S.- Sadar, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Avinash Shekhar, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-10-2022 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. Avinash Shekhar, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Excise P.S. Case No. 92 of 2022 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment), Act 2018.

The police in course of patrolling, intercepted a four wheeler car and on search, total 45 litres Nepali country made liquor was recovered. It is further alleged that the petitioner, who is said to be driver of the car, was apprehended at spot.



Learned counsel appearing on behalf of the petitioner submits that the petitioner happens to be the driver of the car, which runs for the carriage of the passengers/goods on the dictate of the owner, was not even aware, as to what was being carried by owner of the car. He further submits that the petitioner has neither any concern with the car nor with the incriminating materials. It is also submitted that there is non compliance of Section 100 of the Cr.P.C., apart from defiance of Sections 81 and 82 of the Bihar Prohibition and Excise Act, 2016. He lastly submits that the petitioner, having fair antecedent, is in custody since 21.05.2022 and the investigation of the crime is already complete and charge-sheet has been submitted.

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

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner being driver of the vehicle in question, which runs for carriage of passengers/goods is in custody since 21.05.2022, having fair antecedent and the investigation of the crime is already complete and 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 Special Judge 1 (Excise Act), Darbhanga in connection with Excise P.S. Case No. 92 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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