

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42918 of 2022

Arising Out of PS. Case No.-367 Year-2022 Thana- DAUDNAGAR District- Aurangabad

Sant Lal Sharma, S/O Jawahar Lal Sharma, Resident of Village- Tejpura P.S.-
Obra District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Daudnagar P.S. Case No. 367 of 2022 registered for the alleged offences under Sections 420, 468, and 471 of the Indian Penal Code and Section 30(a), of the Bihar Prohibition and Excise Act.

As per prosecution case, on suspicion police chased the vehicle being driven by this petitioner and the petitioner was apprehended. From the vehicle, 302 litres of country made liquor was recovered.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner is merely a driver and he has no knowledge about the illicit liquor and he has been working as a daily wager at the instance of the owner of the vehicle. The petitioner is in custody since 03.07.2022 and he has got clean antecedent. Charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the recovery has been made from the vehicle of the petitioner.

Having regard to the submissions made hereinabove and considering the clean antecedent of the petitioner and further considering the submission of charge-sheet along with his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad, in connection with Daudnager P.S. Case No. 367 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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