

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43769 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- KALER District- Jehanabad

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Swarnjeet Singh, S/o Dilbag Singh, R/o Village- 84 3rd Block, Green Park,
Sriganga Nagar, P.S.- Ganganagar, District- Ganganagar, Rajasthan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate
For the Opposite Party/s : Mr. Braj Kishore Pd., 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. Jay Ram Prasad, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Kaler P.S. Case No. 45 of 2022 registered for
the offences punishable under Sections 30(a)/42 of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, it is alleged that the police in
course of patrolling duty intercepted four wheeler car, bearing
registration no. JH05AB-2690 and on search total 367.35 litres
of Indian made foreign liquor was recovered. The petitioner,
who is said to be the driver of the vehicle, was apprehended at



the spot.

Learned counsel appearing on behalf of the petitioner submits that the petitioner being the driver of the vehicle, which runs for the purposes of transportation of goods and carrying passenger, was not even aware as to what was being loaded by the consigner/owner of the vehicle. He next submits that the petitioner has neither any concern with the vehicle nor with the alleged incriminating material. It is also submitted that now the investigation of the crime is already complete and charge-sheet has been submitted, however, the petitioner, having fair antecedent, is in custody since 07.05.2022.

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

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner, who happens to be the driver of the vehicle, which runs for carrying of the goods and passenger and moreover the petitioner, having fair antecedent, is in custody since 07.05.2022, 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 Exclusive Special Excise Court No.2, Jehanabad in connection with Kaler P.S.



Case No. 45 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 physically 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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