

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43561 of 2022

Arising Out of PS. Case No.-80 Year-2022 Thana- GANGABRIDGE District- Vaishali

Om Prakash, Son of Tunni Chandra, R/O Village- Falora, Ranbir Singh Pura,
P.S.- R.S.Pura, District- Jammu (KASHMIR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rashmi Kinjalk, Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 21-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Ganga Bridge P.S. Case No. 80 of 2022
registered for the alleged offences under Sections 467, 468, 471,
420, 120(B) and 34 of the Indian Penal Code and under Sections
30(a), 36 and 41(1) of the Bihar Prohibition and Excise Act,
2018.

As per prosecution case, the petitioner was
apprehended with his truck and recovery of 4696.245 liters of
India made foreign liquor was made from his truck.

Learned counsel for the petitioner submits that

petitioner is innocent and has been falsely implicated in this case. The petitioner is a driver and he is resident in *Jammu & Kashmir*. He was not having any information about the nature of consignment and he was under impression that he was carrying maize. The petitioner is aged about 65 years and he was carrying all the documents including Aadhar card, ATM card, Mobile, Certificate of fitness, Insurance Certificate, Permit, Pollution Certificate, Tax Invoice, and Fast Tag etc. with him. If the petitioner were guilty, he would not have carried all the genuine documents with him. Nothing incriminating has been recovered from his conscious possession. Charge sheet has been submitted in this case and the petitioner is in custody since 09.04.2022. The petitioner has got no criminal history.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner. Learned APP further submits that recovery of huge quantity of illicit liquor has been made from the truck being driven by this petitioner.

Having regard to the facts and circumstances and submission on behalf of the parties and considering the fact that the petitioner is a driver and also considering the submission of charge sheet along with period of custody of the petitioner and his clean antecedent, 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 Exclusive Central Prohibition and Excise Court, 1st-cum-Additional District and Sessions Judge, Hajipur, Vaishali in connection with Ganga Bridge P.S. Case No. 80 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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