

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44187 of 2022**

Arising Out of PS. Case No.-458 Year-2021 Thana- DARBHANGA SADAR District-
Darbhanga

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Ram Kishan, Son of Ram Gopal Resident of Village - Patti, P.s.- Jat Rana ,
Distt.- Firojabad, Distt.- Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Dev Yadav, Advocate.

For the Opposite Party/s : Mr. APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-10-2022 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. Gagan Dev Yadav, learned counsel for the
petitioner and learned APP for the State, through video
conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Darbhanga Sadar P.S. Case No. 458 of 2021,
registered for the offences punishable under Sections 30(a), 36
and 41(1) of the Bihar Prohibition and Excise (Amendment)
Act, 2018 .

The police on a confidential information with regard
to the trafficking of illicit wine intercepted a white color
container bearing Registration No. HR47C4673. On search total



2261.12 liters of Indian made foreign liquor was recovered. It is further alleged that the petitioner, who is said to be driver of the container was apprehended along with the owner of the vehicle.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner happens to be driver of the said container, was not even aware as to what was being carried by the owner/transporter of the vehicle, who was also apprehended at the spot. He further submitted that the owner of the container was also apprehended, has been allowed privilege of bail by learned Co-Ordinate Bench of this Court, in Cr. Misc. No. 40444 of 2022, vide order dated 27.08.2022. He also submitted that the petitioner having fair antecedent, is in custody since 28.10.2021 and moreover, the investigation of the crime is already complete and the 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 happens to be driver of the container, which runs for the purpose of transportation of goods, on the dictates of the owner/transporter, apart from the fact that the investigation of the crime is already



complete and the charge-sheet has been submitted and there is no likelihood of commencement of the trial in near future, 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 Additional Sessions Judge-II -cum- Sepcial Judge, Excise Act, Darbhanga, in connection with Darbhanga Sadar P.S. Case No. 458 of 2021, subject to the condition that one of the bailors will be the local resident 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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