

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44142 of 2022

Arising Out of PS. Case No.-225 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

Abbas Son Of Umardin R/O Village- Jalali Mohalla Doha, P.S.- Firojpur,
District- Nuh (Hariyana)

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar, APP.

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 Ms. Rashmi Jha, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Hajipur Sadar P.S. Case No. 225 of 2022 , for the offences punishable under Sections 420, 467 and 468 of the Indian Penal Code and Sections 30(a), 32(ii), 36 and 41 (i) of the Bihar Prohibition and Excise Act.

The police on a secret information intercepted a truck



bearing Registration No.RJ27GA4475 and on search total 3015 liters of Indian Made Foreign Liquor was recovered. It is further alleged that the petitioner, who is said to be driver of the truck was apprehended at the spot.

It is submitted by the learned counsel appearing on behalf of the petitioner that petitioner happens to be driver of the truck in question which runs for transportation of the goods by the order of the transporter/cosigner of the goods and he being driver was only obliged to run the vehicle in question safely. She further submitted that there is complete defiance of Section 100 of Cr.P.C. as well as Section 81 and 82 of the Bihar Prohibition and Excise Act, 2016. She also submitted that the petitioner having fair antecedent, is in custody since 28.03.2022 and now 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 truck in question which runs for transportation of the goods on the dictate of transporter/cosigner and moreover, the petitioner having fair



antecedent, is in custody since 28.03.2022, 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 Additional Sessions Judge 1st -cum- Special Judge, Excise, Vaishali at Hajipur, in connection with Hajipur Sadar P.S. Case No. 225 of 2022, 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in



terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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