

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44317 of 2022

Arising Out of PS. Case No.-316 Year-2022 Thana- BARACHATTI District- Gaya

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Satish @ Satish Kumar Son of Dasa Ram R/O Village- Gaibipur, P.S.-
Baruara, District- Hisar, Haryana

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey, Advocate

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 06-12-2022 In this case, criminal antecedent report of the petitioner was called for from the Senior Superintendent of Police, Gaya and the report dated 17.11.2022 has been received from the office of Senior Superintendent of Police, Gaya wherein he has submitted that there is no criminal antecedent of this petitioner within the district of Gaya.

Heard learned counsel for the petitioner and learned APP 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 Barachatti P.S. Case No. 316 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.



As per prosecution case, during regular checking of vehicles, a truck was checked on suspicion and cartons of illicit liquor was found concealed beneath the cartons of biscuits. Recovery of total 4410 litres of India made foreign liquor was made from the said truck. The petitioner is stated to be the driver of the truck who was apprehended from the spot.

The learned counsel for the petitioner submits that the petitioner is merely a driver and he was having no knowledge about the consignment loaded on the truck. The petitioner has nothing to do with the allegedly recovered illicit liquor. Nothing incriminating has been recovered from the conscious possession of the petitioner and hence no offence under the provisions of Excise Act would be made out. The petitioner is in custody since 16.04.2022 and charge-sheet has been submitted. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail submitting that the petitioner was caught red handed with the illicit liquor in huge quantity.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with his clean antecedent and the submission of charge-sheet against him, 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 Special Excise Court No.2, Gaya, Bihar in connection with Barachatti P.S. Case No. 316 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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.

Rajnish/-

(Arun Kumar Jha, J)

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