

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55925 of 2021

Arising Out of PS. Case No.-229 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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Laxmi Narayan, S/O Gugan Ram, R/O Village-Antari, P.S-Nagngal
Chaudhary, District- Mahendra Garh, Haryana.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Alok Kumar, Advocate
Mr. Sujit Kumar, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 31-03-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within two weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail

in connection with Excise Case No. 229 of 2021 registered for
the offences punishable under Section 30(a) of Bihar Prohibition
and Excise Amendment Act, 2018. He is in custody since
03.08.2021. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per

the prosecution story, the informant alleged that during vehicle

checking at Balthari Check Post one passenger bus was



searched and total 44.280 litres of foreign liquor kept in two bags were found in the dickey of the bus were recovered. On asking about the bags, passengers denied the bags. One Rohit Kumar (staff of the bus) disclosed that the bags in question were loaded at Taudu. Booking Agent namely, Karan brought the passenger Gaurav, who came with Golu, by Swift Desire Car. It is alleged that it is Golu who kept the bags in question in the dickey of the bus. It is alleged that the driver (the petitioner) and co-driver had not searched the bags in question at the time of loading due to which they have been made accused.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has no criminal antecedent and he is in custody in connection with this case since 03.08.2021.

Learned counsel submits that the petitioner is driver of one passenger bus which is run by M/S S.K. Tour and Travels and in course of search of the said bus from two bags 44.280 litres of foreign liquor were recovered. The petitioner was not aware of the bags which were kept in the dickey of the bus containing liquors.

Mr. Akhileshwar Dayal, learned APP for the State is



present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that this petitioner is driver of one passenger bus which is run by M/S S.K. Tour and Travels and in course of search of the said bus from two bags 44.280 litres of foreign liquor were recovered, the petitioner was not aware of the bags which were kept in the dickey of the bus containing liquors and further considering that the petitioner has remained in jail in connection with this case since 03.08.2021, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise, Gopalganj in connection with Excise Case No. 229 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that 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 steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be



delayed for purpose of or in the name of verification.

Learned counsel for the petitioner has, on his own,
offered to provide one local bailor of the State of Bihar having
sufficient means.

(Rajeev Ranjan Prasad, J.)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

