

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46044 of 2022

Arising Out of PS. Case No.-197 Year-2022 Thana- DURGAWATI District- Kaimur (Bhabua)

Bhaiya Ram, Son of Sri Avadhesh Ram, Resident of Village - Durgapur, P.S.-
Sasaram, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Advocate

For the Opposite Party/s : Mr.Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner and
learned APP for the State through video conferencing.

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 Durgawati P.S. Case No. 197 of 2022 registered
for the alleged offences under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act.

Allegedly, the recovery of 204 litres of beer was
made from a car being driven by this petitioner who was
apprehended from the spot.

The learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case and he has no knowledge about the liquor kept in the car.



The petitioner is the driver of the said vehicle and he was instructed by the owner of the vehicle to take the consignment to its destination and he has no knowledge about the nature of the consignment. There is no material to show the involvement of the petitioner in the alleged occurrence. The petitioner is in custody since 08.07.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedents.

Having regard to the submissions made hereinabove and considering the fact that the petitioner is stated to be the driver of the vehicle and further considering the submission of charge-sheet along with his period of custody, 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 Special Judge (Excise) Court No.2, Kaimur at Bhabhua in connection with Durgawati P.S. Case No. 197 of 2022 subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted



only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) 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)

balmukund/-

U		T	
---	--	---	--

