

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46031 of 2022**

Arising Out of PS. Case No.-186 Year-2022 Thana- SABAUR District- Bhagalpur

Manoj Kumar Sah Son Of Jagdish Sah R/O Village- Tarapur, P.S.- Hiranpur,
Dist.- Pakur (JHARKHAND)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate.

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-10-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Rajive Ranjan Singh, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Sabour (Goradih) P. S. Case No. 186 of 2022 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, it is alleged that in course of patrolling duty, the police intercepted a Hyundai Santro



Car bearing registration No. WB02R-8155. On search, total 98.25 litres Indian made foreign liquor was recovered. It is also alleged that the petitioner, who was driving the car, in question, was apprehended at the spot.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner, who happens to be driver of the Car, was not even aware as to what was being carried by the transporter/owner of the car as neither he has any concern with the seized car nor with the alleged incriminating material. It is also submitted that there is no compliance of Section 100(4) of the Cr.P.C., apart from the defiance of Sections 81 and 82 of the Bihar Prohibition and Excise Act. It is further submitted that only because of his past criminal antecedent of similar nature, his name has been implicated in this case and the petitioner is in custody since 24.05.2022 and the investigation of the crime is already complete and the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner was apprehended at the spot along with the illicit liquor and mobile.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the petitioner, who happens to be driver of the Hyundai Santro Car,



was not even aware as to what was being carried by the owner of the vehicle as the petitioner has neither any concern with the seized vehicle nor with the recovered incriminating material and moreover, the investigation of the crime is already complete and the charge sheet has been submitted, let the petitioner, above named, 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 Special Judge Exclusive Excise Court No. 2, Bhagalpur in connection with Sabour (Goradih) P. S. Case No. 186 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner 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 step for cancelling 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.

(Harish Kumar, J)

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