

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55732 of 2021**

Arising Out of PS. Case No.-1008 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

PRAMOD KUMAR Son of Jugesh Yadav Resident of Village - Ramabandh
Bangla Gairaj, P.s.- Aurangabad Town, Distt.- Aurangabad.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Leelawati Kumari, Advocate

For the Opposite Party/s: Mr.Ajit Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

4 18-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Excise Case No. 1008 of 2021, arising out of Excise Case No.
1008 of 2021 for the offence punishable under Sections 30(a) of
the Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation is recovery of 87 litres of country made
liquor from the tempo bearing registration No. BR26PA-2445.
The petitioner is the driver of the said vehicle.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is innocent and he has falsely been
implicated in this case. Nothing has been recovered from



conscious possession of the petitioner. He further submits that petitioner has clean antecedent and he is aged about 20 years and he was unaware of the fact that the huge quantity of country made liquor has been loaded by the owner of the tempo in clandestine manner. The petitioner is in custody since 01.08.2021.

Sri Ajit Kumar, learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He further submits that trade of illicit liquor is rampant in the State of Bihar and often hooch tragedy is being occurred due to consumption of illicit liquor by the people at large and as such petitioner is involved in heinous crime and he does not deserve to be released on bail.

Considering the allegation made in the F.I.R. and taking into consideration the period of custody undergone by the petitioner and the submission of the petitioner that he is not the owner of the tempo and alleged illicit liquor was kept in the tempo in a clandestine manner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 1,00,000/- (Rs. One Lakh) with two sureties of the like amount each to the satisfaction of the learned Addl. District and Sessions Judge-II-cum-Special Judge (Excise), Aurangabad in



connection with Excise Case No. 1008 of 2021, subject to the verification of the fact as to whether the said tempo bearing registration No. BR26PA-2445 is registered in the name of the petitioner, if it is found that the said tempo is registered in the name of petitioner, this order will automatically loose its force as well as subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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