

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46493 of 2022

Arising Out of PS. Case No.-262 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

Om Prakash Kumar Yadav S/O Balistar Yadav Resident of village- Kararia,
P.S.- Gopalganj Town, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

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

Heard Mr. Satyendra Rai, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Kuchaikote P.S. Case No. 262 of 2022, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

In course of vehicle checking, the police intercepted a Bolero vehicle and on search total 233.280 liters of Indian made foreign liquor was recovered. It is further alleged that the petitioner was apprehended at the spot, who is said to be driver of the Bolero vehicle.



Learned counsel appearing on behalf of the petitioner submits that the petitioner happens to be driver of the vehicle, had no knowledge with regard to the goods, which were carried by the owner of the Bolero vehicle. He further submits that in fact the vehicle in question runs for transportation of goods and carriage of the passenger on the dictate of the owner and he had neither any direct control over the vehicle nor with the incriminating materials. He also submits that the petitioner is a man of fair antecedent, is in custody since 14.06.2022 and now the investigation of the crime is already complete and the charge-sheet has been submitted and as such keeping the person behind the bar would serve no further purpose.

On the other hand learned APP for the State vehemently opposes the bail application and submitted that the petitioner was apprehended at the spot along with the vehicle laden with liquor.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner happens to be driver of the vehicle which runs for carriage of goods and passenger on the dictate of the owner and moreover the petitioner having fair antecedent, is in custody since 14.06.2022 and now the investigation of the crime is already complete and



the charge-sheet has been submitted, let the petitioner, named above, 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 Additional District & Sessions Judge-IV -cum-Special Judge, Excise, Court No.II, Gopalganj, in connection with Kuchaikote P.S. Case No. 262 of 2022, subject to the condition that one of the bailors will be the close relatives 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.

(Harish Kumar, J)

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