

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46225 of 2022

Arising Out of PS. Case No.-112 Year-2022 Thana- MITHANPURA District- Muzaffarpur

ROHIT KUMAR Son of Lalbabu Ray Resident of Village - Majhauri
Dharmdas, P.S.- Mushahari, District - Muzaffarpur. At Present R/o village -
Kachhi Pakki, P.S.- Sadar, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Advocate.

For the Opposite Party/s : Dr. Kumar Uday Pratap, 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. Chandra Shekhar Anand, 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 Mithanpura P. S. Case No. 112 of 2022
registered for the offences punishable under Sections 414, 467,
468, 471/34 of the Indian Penal Code and Sections 30 (a), 32 (ii)
and 41(i) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the



police, on a confidential information, intercepted a ten wheeler truck bearing registration no. BR30GA-6276. On search, total 3635.720 litres Indian made foreign liquor was recovered. It is also alleged that the petitioner, who is said to be driver of the truck, in question, was apprehended at the spot.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner, happens to be driver of the truck, was not even aware as to what was being carried by the transporter/owner of the truck as the truck, in question, runs for transportation of goods on the dictate of transporter/owner. It is also submitted that the petitioner has neither any concern with the truck, in question, nor with the illicit liquor. It is further submitted that now the investigation of the crime is already complete and the charge sheet has been submitted, apart from the fact that there is no compliance of Section 100 of the Cr.P.C.. It is last submitted that the petitioner is a man of fair antecedent, is in custody since 16.04.2022.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the petitioner happens to be driver of the truck, in question, which



runs for the transportation of goods and moreover, the petitioner having fair antecedent, is in custody since 16.04.2022, 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 Exclusive Special Excise Court No. 1, Muzaffarpur in connection with Mithanpura P. S. Case No. 112 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.

(Harish Kumar, J)

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