

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46887 of 2022

Arising Out of PS. Case No.-262 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhojpur

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Suraj Pandey S/O Late Jamuna Pandey R/o Village- Salempur P.S.- Ara
Muffasil, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate.
For the Opposite Party/s : Mr. APP.

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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. Ajay Kumar Singh, learned counsel for the
petitioner and learned APP for the State.

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

The police in course of patrolling duty, intercepted a
Maruti Swift Dezire Car and on search total 180 litres of illicit
liquor was recovered. It is further alleged that the petitioner was
apprehended at the spot, who is said to be the driver of the



vehicle, in question.

Learned counsel appearing on behalf of the petitioner submits that the petitioner happens to be the driver of the Maruti Swift Dezire Car had no knowledge with regard to the goods, which were carried by the owner of the vehicle. He next submits that the petitioner has neither any concern with the vehicle, in question, nor with the alleged illicit foreign liquor. He further submits that there is no compliance of Section 100 of the Cr.P.C. He lastly submits that the petitioner, having fair antecedent, is in custody since 03.06.2022, though the investigation of the crime is already complete and charge-sheet has been submitted.

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 considering the fact the petitioner happens to be the driver of the vehicle, in question, which runs on the dictate of its owner and he had no concern with the goods carried by the owner of the vehicle, apart from the fact that the petitioner having fair antecedent, is in custody since 03.06.2022, and after completion of investigation, charge-sheet has been submitted and there is no likelihood of commencement of trial in near future, 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 Exclusive Special Excise Court No.-II, Bhojpur at Ara, in connection with Ara Excise 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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