

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47074 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- FATUA District- Patna

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Bipin Pandit, Son of Ramchandra Pandit @ Ramchandra Kumhar, R/v-
Rajganj Chugi Basti, P.O.- Rajganj, P.S- Rajganj, Dist- Dhanbad, State-
Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, 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. Pankaj Kumar Sinha, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Fatuha P.S. Case No. 31 of 2022 registered for
the offences punishable under Sections 30(a)/50C of the Bihar
Prohibition and Excise Act.

In course of vehicle checking, the police intercepted a
Pick-up Van, bearing registration no. JH 10BW 5810 and on
search total 1134.75 litres of Indian made foreign liquor was
recovered.



Learned counsel appearing on behalf of the petitioner submits that the petitioner happens to be the driver of the Pick-up Van had no knowledge with regard to the goods carried by the transporter/owner, as the vehicle runs for transportation of goods on the dictate of transporter/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, apart from the fact that other co-accused persons, who have also been found involved in this case, have already been granted bail by different learned coordinate Benches of this Court. He lastly submits that the petitioner, having fair antecedent, is in custody since 11.01.2022, 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 for transportation of goods and the petitioner, having fair antecedent, is in custody since 11.01.2022, though 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 Special Judge, Excise, Patna City, Patna in connection with Fatuha P.S. Case No. 31 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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