

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47062 of 2022

Arising Out of PS. Case No.-47 Year-2022 Thana- KALYANPUR District- Samastipur

Santosh Kumar Paswan @ Santosh Paswan, S/o Late Prasadi Paswan
Resident of village- Kendua, P.S.- Raj Dhanwar, District- Giridih (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, 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. Pramod Kumar Sinth, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Kalyanpur P.S. Case No. 47 of 2022 registered for the offences punishable under Sections 30(a), 32(3), 36, 41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

The police on a confidential information, intercepted a Tata 407, bearing registration no. WB-03B-6303, and on search total 378.750 litres of Indian made foreign liquor was recovered. It is further alleged that the petitioner was apprehended at the



spot, who was said to be the driver of the vehicle.

Learned counsel appearing on behalf of the petitioner submits that the petitioner happens to be the driver of the Tata 407 had no knowledge with regard to the goods, which were being loaded by the transporter/owner of the vehicle, as the vehicle, in question, 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 illicit foreign liquor, allegedly recovered from the vehicle. He next submits that there is no compliance of Section 100 of the Cr.P.C, apart from the fact that the petitioner, having fair antecedent, is in custody since 07.02.2022. He lastly submits that the investigation of the crime is already complete and charge-sheet has been submitted, and, as such, keeping the petitioner behind the bar would serve no further purpose.

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 on the order of transporter/owner and the petitioner, having fair antecedent, is in custody since



07.02.2022, 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 Court-I, Samastipur in connection with Kalyanpur P.S. Case No. 47 of 2022, subject to the condition that one of the bailors will be the local residents 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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