

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48787 of 2022

Arising Out of PS. Case No.-49 Year-2022 Thana- DUMARIYA District- Gaya

Masum Ali S/O Jamal Uddin Mian Resident of Village- Ward No-1, Sugaon
(Sugwa), P.S.- Sugauli, District- East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Singh, Advocate
For the State : Mr.Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Dumariya P.S. Case No. 49 of 2022 registered
for the alleged offences under Sections 420, 467, 468, 471 and
34 of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act, 2018.

As per prosecution case, recovery of 4804.20 liters of
India made foreign liquor was made from a truck and the
petitioner is stated to be the driver of the said truck who tried to
run away from the spot but he was apprehended.

Learned counsel for the petitioner submits that



petitioner is a casual driver and has no knowledge about the consignment loaded in the truck. There is complete violation of the procedure as contemplated under Section 100 of the Code of Criminal Procedure as well as Excise Act. The petitioner has got no concern with the illegal business of liquor. The petitioner is in custody since 14.06.2022 and charge sheet has been submitted. The petitioner has got no criminal history.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submission made on behalf of the parties and considering the fact that the petitioner is said to be the driver and also the fact of submission of charge sheet and period of custody of the petitioner and his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court No. 3, Gaya in connection with Dumariya P.S. Case No. 49 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of



charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Gautam/Daya

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