

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49206 of 2022

Arising Out of PS. Case No.-283 Year-2022 Thana- ISLAMPUR District- Nalanda

Rajendra Bhargav @ Rajendra S/o Madan Bhargav @ Madan Lal R/o Kota
Thekedar Saahab Ki Bawdi, Bundi, P.S.- Bundi, District- Bundi (Rajasthan)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dheeraj Kumar, Advocate
		Mr. Suresh Prasad Bhakta, Advocate
For the Opposite Party/s	:	Mr.Humayou Ahmad Khan, 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 Excise Case No. 1374 of 2022 arising out of
Islampur P.S. Case No. 283 of 2022 registered for the alleged
offences under Section 30(a) of the Bihar Prohibition and Excise
Act, 2016.

As per prosecution case, recovery of 1906.620 liters
of India made foreign liquor was made from a truck and the
petitioner is stated to be the driver of the truck who was
apprehended from the spot.



Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession. The petitioner is only the driver of the truck and he has got no concern with the consignment loaded on his truck. Charge sheet has been submitted in this case and the petitioner is in custody since 31.05.2022. The petitioner has got a criminal case pending against him at his native place vide Karni Bihar P.S. Case No. 272 of 2021 under Sections 407, 406, 467, 468, 471 and 420 of the Indian Penal Code.

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

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner is stated to be the driver of the said truck and further considering the period of custody of the petitioner along with submission of charge sheet against him, 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 IV-Additional District and Sessions Judge-cum-Special Judge Excise-2nd, Nalanda at Biharsharif in connection with Islampur



P.S. Case No. 273 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) 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)

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