

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50260 of 2022

Arising Out of PS. Case No.-24 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

=====

Ajay Pratap Yadav @ Ajay Kumar S/O Ramhit Yadav, R/O Village-
Kunwarpur Gangapur, P.S.- Pawara, District- Jounpur, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Advocate
For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 24-11-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Government Official Excise Case No. 24 of 2022 lodged under
Sections 30(a) and 56(b) of the Bihar Prohibition & Excise Act,
2016.

As per prosecution case, total 3000 liter of spirit has
been alleged to be recovered from a truck, which was driven by
the petitioner.

Learned counsel for the petitioner submits that the
petitioner is simply a driver and there was no occasion for him

to verify loaded consignment on the truck rather he is bound by duty of the transport company to take the truck and deliver the same on the appropriate place. Counsel also submits that the present prosecution is not in accordance with Excise Amendment Act, 2016 with latest amendment, this case has been filed on old proforma of 1915 Act and therefore, this prosecution is not treated to be a prosecution, as such arresting under this provision is absolutely barred in law and illegal.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-II, Purnia in connection with Government Official Excise Case No. 24 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of

his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

ravishankar/-

U		T	
---	--	---	--