

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60035 of 2021

Arising Out of PS. Case No.-616 Year-2021 Thana- KUDHNI District- Muzaffarpur

Hareram Kumar Mahaseth, S/O Lalbabu Mahaseth, R/O Village-Panda Sarai,
P.S- Laheriya Sarai, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Namrata Mishra, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-04-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Kudhani P.S. Case No. 616 of 2021 for the offences punishable under Sections 414/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, it is alleged that on a secret information, the informant, Assistant Sub-Inspector, intercepted a car from which 68.910 litres of liquor was recovered. It is also alleged that two persons were coming from



the said car and one of them fled away and the petitioner, who is said to be the driver of the car, was apprehended at the spot by the police.

It is submitted on behalf of the petitioner that this petitioner is the driver and the car belongs to co-accused Deepak Kumar and this petitioner had no knowledge about the recovered liquor, which was kept by the consigner/owner of the car. It is next submitted that this petitioner has got clean antecedent and he is in custody since 16.08.2021. It is further submitted that investigation has already been concluded and charge sheet has also been submitted in the present case and, as such, there is no chance of absconding of the petitioner and tampering with the evidence.

On the other hand, learned APP for the State opposes the prayer for bail of the petitioner and submits that the petitioner is the driver of the car from where recovery has been made.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner happens to be a driver and he has no concern with the alleged recovery of liquor, apart from the fact that the petitioner is in custody since 16.08.2021 and the investigation has already



been concluded, 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 Act, Muzffarpur in connection with Kudhani P.S. Case No. 616 of 2021 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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