

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50408 of 2022

Arising Out of PS. Case No.-414 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

ARBIND KUMAR SETH @ ARVIND KUMAR SETH SON OF RAMJEE
SETH R/O VILLAGE- JANKSHA CHAUKHANDI, P.S.- JANKSHA,
DISTRICT- VARANASI (U.P.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with
Mohania P.S. Case No. 414 of 2022 registered for the offences
punishable under Section 414 of the I.P.C. and Sections 30(a),
36 and 41(i) of the Bihar Prohibition and Excise Amendment
Act, 2018.

As per prosecution case, there is alleged recovery
of 450 liter illicit wine from the vehicle in question. Petitioner is
alleged to be driver of the said vehicle and he is apprehended on
the spot.



Learned counsel for the petitioner submits that petitioner is in custody since 02.08.2022. Petitioner bears no criminal antecedent. He further submits that nothing has been recovered from the conscious possession of the petitioner. From the perusal of the FIR petitioner is driver and he has no knowledge about the loaded cartoon in pickup van and the seized pick up van is goods vehicle.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court of Special Judge Excise No. 1 cum Additional District Judge IV, Kaimur at Bhabua in connection with Mohania P.S. Case No. 414 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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