

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52601 of 2022

Arising Out of PS. Case No.-38 Year-2022 Thana- ISHIPUR District- Bhagalpur

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Santosh Yadav, S/o Heeralal Yadav Resident of Village- Karudih, P.S.-
Saraiya, District- Dumka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Purushottam Kumar Das, Advocate

For the Opposite Party/s : Mr.Rajendra Singh,A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. 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 Ishipur Barahat P.S. Case No. 38 of 2022
registered for the alleged offences under Sections 30(a) and
30(f) of the Bihar Prohibition and Excise Act.

As per prosecution case, police received secret
information about illicit liquor being carried in a Bolero pick-up
-van. The said vehicle was intercepted and 1597.92 liters of
India made foreign liquor and beer was recovered from this
vehicle which was being driven by the petitioner.

Learned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in this case. The petitioner is a bonafide licensed driver of the vehicle in question which was carrying authorized liquor with authentic papers under license granted by the State of Jharkhand for government supply to the retail excise wine shops within the State of Jharkhand. The vehicle in question never entered into the State of Bihar and this fact is apparent from the downloaded history chart of Global Positioning System but the authorities in Bihar wrongfully dragged the petitioner and his vehicle in the State of Bihar. Learned counsel further submits that since the petitioner was carrying the authorized liquor under a bona fide belief and he never wandered from his a travel course, he could not be fastened with any liability under the Prohibition Act. Charge sheet has been submitted in this case and the petitioner is in custody since 17.05.2022. The petitioner has got no criminal history.

Learned A.P.P. 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 apparently legal nature of consignment along with submission of charge sheet and period of custody of the petitioner coupled



with 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 Special Judge, Excise, Bhagalpur in connection with Ishipur Barahat P.S. Case No. 38 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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