

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62657 of 2021

Arising Out of PS. Case No.-419 Year-2021 Thana- BARACHATTI District- Gaya

Gulshan Kumar, Son of Late Ramnarayan Shani @ Ramnarayan Sahni,
Resident of Village- Roshra, P.S. Roshra, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 17-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Ramchandra Sahni, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Barachatti P.S. Case No. 419 of 2021 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, it is alleged that in course of vehicle checking, the police intercepted a Truck bearing registration no. JH 02F 7356 and on search total 2133.720 litres of Indian made foreign liquor was recovered. It is further



alleged that the petitioner is said to be the driver and one Vishnu Kumar, who is said to be the Khalasi of the truck, were arrested at the spot.

It is submitted by the learned counsel appearing on behalf of the petitioner that petitioner happens to be the driver of the truck, which runs for transportation of goods, was not even aware as to what was loaded by the transporter/owner of the truck and moreover the another co-accused person, who is said to be khalasi of the truck, has already been granted bail in Cr. Misc. No. 57526 of 2021 vide order dated 12.05.2022. It is also submitted that the petitioner is in custody since 16.07.2021, having fair antecedent, and the investigation of the crime is completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that huge consignment of illicit liquor has been recovered from the truck, which was being driven by the petitioner.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner happens to be the driver of the truck and one of the co-accused has already been granted bail by a learned coordinate Bench of this Court and moreover the petitioner in custody since 16.07.2021, though



the investigation of the crime is already completed and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Gaya in connection with Barachatti P.S. Case No. 419 of 2021, subject to the condition that one of the bailors will be the close relative 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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