

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66741 of 2021**

Arising Out of PS. Case No.-97 Year-2021 Thana- TETERHAT District- Lakhisarai

Karan Kumar Rajwar, Son of Sarat Rajwar, Resident of Village- Diwanganj,
P.S.- Pidraora, District- Bokaro, State of Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Kislay, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 01-06-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Tetarhat
P.S. Case No.97 of 2021 registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

There is alleged recovery of 369 litres as well as
209 litres of illicit liquor from two vehicles during routine
patrolling and vehicle checking. The petitioner is alleged to be
Driver of the vehicle from which 209 litres illicit liquor has
been recovered concealed beneath sacks of potatoes.

Counsel for the petitioner submits that it is a case
of false implication. The petitioner was only lending his
professional services as a Driver under instructions of the owner



of the vehicle to transport potatoes, oblivious of the contents allegedly concealed beneath the potato sacks. He is in custody since 14.09.2021. One antecedents which has been disclosed in paragraph 3 of the bail application, as per instructions, is a complaint case under Section 498 IP.C. Investigation is also stated to be complete.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions and having regard to the period of custody as also the fact that the investigation is complete and defence raised by the petitioner in the instant proceedings, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-II-cum-Special Judge, Excise, Lakhisarai, in connection with Tetarhat P.S. Case No.97 of 2021, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to



how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) Other bailor shall be a local person.

(iii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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