

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66105 of 2021**

Arising Out of PS. Case No.-197 Year-2021 Thana- MUFFASIL District- Aurangabad

BIJENDRA Son of Ranbir Resident of Village - Pipli, P.s.- Kharsoda, Distt.-
Sonipat, Haryana.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Gupta, Advocate.
For the Opposite Party/s : Mr. Nityanand, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 17-08-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Dhananjay Kumar Gupta, learned counsel
for the petitioner as well as learned Additional Public Prosecutor
for the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Muffasil P. S. Case No. 197 of 2021
registered for the offences punishable under Section 30 (a) of
the Bihar Prohibition and Excise Act.



As per the prosecution case, it is alleged that in course of vehicle checking the police found one container (goods carriers) bearing registration no. UP-22AT-4952 which met with an accident and the driver of the container was lying there in an injured condition. It is further alleged that on search, total 1827.18 litres Indian made foreign liquor was recovered and the injured person said to be driver of the container was arrested at the spot.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner happens to be driver of the container, which carries goods on the order of transporter/consigner and he was not even aware as to what was loaded in the container. It is further submitted that save and except the petitioner being driver, he had no concern with the container nor with the alleged illicit wine. It is next submitted that there is various other irregularities in the preparation of seizure list, apart from being violative of Section 100 Cr.P.C.. It is lastly submitted that the petitioner is in custody since 22.08.2021, having fair antecedent and moreover, after completion of investigation, charge sheet has been submitted.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that a huge



consignment of illicit wine has been recovered from the container and he being driver of the container his complicity cannot be ruled out.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner happens to be driver of the container, which runs for transportation of goods and he has no concern with the container and moreover, he is in custody since 22.08.2021, having fair antecedent, let the petitioner, above named, 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 District Judge-II-cum-Special Judge, Excise, Aurangabad in connection with Muffasil P. S. Case No. 197 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner or one of the local resident 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)

shakir/-

U		T.	
---	--	----	--

