

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55200 of 2022

Arising Out of PS. Case No.-396 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

Sanju Kashyap Son of Ramgir Kashyap R/O Village- Kalkaji House No. B-62, P.S.- Govindpuri, District- New Delhi

... .. 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.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-10-2022 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Mohania P.S. Case No. 396 of 2022 registered for the offences punishable under Section 414 of the I.P.C. and sections 30(a)/41(i) of the Bihar Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery of 155.260 liter illicit liquor from the Swift Desire car in question. The petitioner is alleged to be the driver of said Swift Desire car. It is further alleged that 164.16 liter illicit liquor has been recovered from Tata car which was driven by co-accused Pursottam Kumar.

Learned counsel for the petitioner submits that petitioner is in custody since 24.07.2022. Petitioner bears no



criminal antecedent. Learned counsel further submits that nothing has been recovered from the conscious possession or personal possession of the petitioner. Petitioner is driver and has no concern with the alleged recovery. Petitioner is innocent and has falsely been implicated in the present case. The petitioner is not involved of transporting of illicit liquor.

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 as well as period of custody, keeping in view clean antecedent of the petitioner 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 Spl. Judge Excise No. 1-cum-A.D.J. IV, Kaimur at Bhabhua in connection with Mohania P.S. Case No. 396 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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