

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66537 of 2021

Arising Out of PS. Case No.-334 Year-2021 Thana- GAIGHAT District- Muzaffarpur

Bijendra Dhanak @ Vijendra, Son of Krishna Kumar, Resident of Village-
Mamanpura, P.s.- Hansi, Distt.- Hisar (Haryana).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Gaighat P.S. Case No. 334 of 2021 registered for the alleged offences under Sections 272, 273, 420, 467, 471/34 of the Indian Penal Code and Sections 30(a), 36/41(a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, recovery of 2240.250 litres of illicit liquor was made from the truck of the petitioner, who is stated to be the driver of that truck.

The learned counsel for the petitioner submits that



petitioner is merely a driver and he has no knowledge about the consignment which was loaded on truck. Charge-sheet has been submitted and the petitioner is in custody since 24.09.2021.

Learned APP opposes the prayer for bail submitting that huge quantity of liquor has been recovered from the truck of this petitioner.

Having regard to the submissions made hereinabove and considering the fact that charge-sheet has been submitted and the petitioner is in custody since 24.09.2021, 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, Muzaffarpur in connection with Gaighat P.S. Case No. 334 of 2021 subject to the conditions under Section 437 (3) of the Cr.P.C. and the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the person who has sworn the affidavit on behalf of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.



(iv) 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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