

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68089 of 2021

Arising Out of PS. Case No.-479 Year-2021 Thana- NAUBATPUR District- Patna

Vishambhar @ Bishamber Son Of Late - Munna Lal Resident Of Ajay Nagar,
E Block, Quarter No. 50B, Gali No. 6, P.S. - Fatehpur, District - Mehrauli
South, New Delhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate Ms. Preety Kunwar, Advocate Mr. Arvind Kumar, Advocate
For the Opposite Party/s	:	Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 11-01-2022 The applicant/accused in Crime No. 479 of 2021 registered with Naubatpur Police Station for the offences punishable under Sections 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He argued that the applicant is co-driver of the heavy vehicle in which 4392 liters of liquor was found. It is argued that the applicant is neither the owner of the truck nor the liquor.

The learned Additional Public Prosecutor opposed the application by contending that the offence is serious.



I have considered the submissions so advanced and also perused the materials placed before me.

Investigation of the crime in question is over. Charge sheet has already been filed and, therefore, his further pre-trial detention is not required.

Considering the nature of the evidence against the applicant/accused, there is no other alternative but to release him on bail during pendency of the trial and hence, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 479 of 2021 registered with Naubatpur Police Station for the offences punishable under Sections 30(a), 38 and 41 of the Bihar Prohibition and Excise Act be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.



(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant-accused is given out of turn hearing because of spinal injury to his wife requiring medical attention.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

(A. M. Badar, J)

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