

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69204 of 2021

Arising Out of PS. Case No.-182 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

Rajesh Mahla S/o Sagar Mahla @ Sagar Mal R/o Village- Karanpura, P.S.-
Sadar Shikari, District- Shikari (Rajsthan)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harendra Prasad, Advocate

For the Opposite Party/s : Mr.Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 22-07-2022 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 Kuchaikote P.S. Case No. 182 of 2021 registered for the alleged offences under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

The prosecution case is that during checking of the vehicles, the truck being driven by the petitioner was stopped and on search total 2496.420 liters of illicit liquor was recovered from the said truck.

Learned counsel for the petitioner submits that the



petitioner is merely a driver and was carrying the goods on saying of the owner of the truck and has nothing to do with the consignment loaded on the truck. Nothing has been recovered from the conscious possession of the petitioner. The preparation of seizure list is in violation of statutory provisions. The charge sheet has been submitted in this case and the petitioner is in custody since 09.05.2021 and is having clean antecedent.

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

Perused the records.

Having regard to the submissions made hereinabove and considering the fact that the charge sheet has been submitted in this case and the petitioner is in custody since 09.05.2021, 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 2nd Additional District & Sessions Judge, Gopalganj in connection with Kuchaikote P.S. Case No. 182 of 2021 subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner and another bailor will be



the deponent, who has sworn the affidavit.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) The petitioner will not commit similar type of offences in future.

(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)

V.K.Pandey/-

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