

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69975 of 2021

Arising Out of PS. Case No.-711 Year-2021 Thana- LAKHISARAI District- Lakhisarai

DIWAKAR MANDAL Son of Late Suresh Mandal Resident of Village-
Herudiyara Shiv Nagar, P.S.- Kasim Bazar, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, 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. Rajeev Kumar Singh, 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 Lakhisarai (Kabaiya) P. S. Case No. 711 of 2021 registered for the offences punishable under Sections 30 (a), 32 (iii) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that in course of vehicle checking, the police intercepted one Tata 1109 vehicle bearing registration no. C.G.04-DM-1699 and on search altogether 1003.32 litres Indian made foreign liquor was



recovered and the petitioner who is said to be driver of the vehicle was also apprehended at the place of occurrence.

Learned counsel appearing on behalf of the petitioner submitted that the vehicle in question runs for transportation of goods and he being driver of the vehicle was not even aware as to what was loaded by the transporter/consigner of the goods. It is further submitted that the petitioner has neither any concern with the truck nor with the alleged recovered wine and moreover, the petitioner is in custody since 22.10.2021, having fair antecedent and after completion of the investigation, the charge sheet has been submitted and there is no likelihood of commencement of trial in near future.

On the other hand, learned APP for the State opposes the bail application and submits that the alleged recovery has been made from the vehicle, which was driven by this petitioner and 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 vehicle and moreover, the petitioner is in custody since 22.10.2022, having fair antecedent and there is no likelihood of commencement of trial in near future, let the



petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge II-cum-Special Judge (Excise), Lakhisarai in connection with Lakhisarai (Kabaiya) P. S. Case No. 711 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner 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	
---	--	---	--

