

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69277 of 2021

Arising Out of PS. Case No.-292 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

SHYAM KUMAR Son of Madan Ray Resident of Village - Bariyariya Tola
Bhusaha, P.S. - Sangrampur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-05-2022 Heard learned counsel for the parties through video
conferencing in view of the COVID 19.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Excise Case No.292 of 2021 under Sections 30(a) of the
Bihar Prohibition and Excise Act.

Upon secret information, the police intercepted a
tempo. While one person succeeded in escaping, the petitioner
herein, who is alleged to be the driver of the vehicle, was
arrested and on search 155.520 liters of foreign liquor was
recovered/seized

Learned counsel for the petitioner submits that
petitioner being the driver has no knowledge of the goods that



was being transported and he was driving the vehicle, carrying the said article from one place to another. He has no criminal antecedent and he is in jail since 06.10.2021 (as stated in paragraph-11 of the said application.

Considering the aforesaid facts that the petitioner has no criminal antecedent and he is in jail since 06.10.2021, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of 2nd Additional Sessions Judge, Gopalganj in connection with Excise Case No. 292 of 2021 subject to the following conditions :-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any



criminal offence again failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

With the aforesaid observations, this bail application
is allowed.

(Rajiv Roy, J)

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