

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69823 of 2021

Arising Out of PS. Case No.-61 Year-2021 Thana- PANJWARA District- Banka

CHHOTE LAL ROUT @ CHHOTE RAUT S/o Late Sukhdev Raut R/o
village- Punsiya, P.S.- Rajoun, District- Banka

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate
For the Opposite Party/s : Mr. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2022 Heard learned counsel for the parties.

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

The petitioner is in custody in connection with
Panjwara P.S. Case No. 61 of 2021 registered under Sections
30(a) and 32(2) of the Bihar Prohibition and Excise
Amendment Act, 2016.

Allegation in the FIR is that the motorcycle and the
auto were intercepted but the rider of the motorcycle managed
to flee after throwing a sack but the driver of the auto was
nabbed and on search 59.1 liters of country made liquor was
recovered/seized. Later the registration of the auto was checked
and it was found that the petitioner is the owner of that auto.

Learned counsel for the petitioner submits that



although he is the owner of the vehicle, the driver of the vehicle use it all through the day, and thus cannot be held to be responsible. There is nothing on record to show that any incriminating article has been recovered from his possession and he does not have any criminal antecedent.

Considering the aforesaid facts that he does not have criminal antecedent and he is in jail since 12.08.2021 (as stated in paragraph-1 of the bail application), this Court is inclined to grant him the privilege of bail. However, if it is found that the petitioner do have criminal antecedent, the bail order shall become infructuous.

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 Additional District and Sessions Judge -II, Banka in connection with Panjwara P.S. Case No. 61 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, the bail application is allowed.

(Rajiv Roy, J)

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