

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58731 of 2022

Arising Out of PS. Case No.-386 Year-2022 Thana- GARDANIBAG District- Patna

Awadhesh Rai @ Abdhesh Kr @ Awadhesh Kr, Son of Shiva Balak, Rai
Resident of Village- Kaji Patti(Chandni Chowk), P.O.- Mohanpur, P.S.-
Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 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.

In the present case, the petitioner seeks bail in
connection with Special Case No. 3802 of 2022 arising out of
Gardanibagh P.S. Case No. 386 of 2022 registered for the
alleged offences under Sections 30(a) and 36 of the Bihar
Prohibition and Excise Act.

As per prosecution case, recovery of 838.08 litres of
India made foreign liquor was made from a pick-up van which
was being driven by the petitioner who was apprehended from
the spot.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession and he has no concern with the recovered illicit liquor. The petitioner is only a driver and he was instructed by the owner of the vehicle to send the goods but he has no knowledge about the nature of consignment. Petitioner has never indulged in illicit trade of liquor. The petitioner is in custody since 06.07.2022 and the charge-sheet has been submitted in this case. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, 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 Special Judge, Excise, Patna in connection with Special Case No. 3802 of 2022 arising out of Gardanibagh P.S. Case No. 386 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :



(i) One of the bailors will be a close relative of the petitioner.

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

(iii) 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)

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