

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70291 of 2021

Arising Out of PS. Case No.-307 Year-2020 Thana- KOCHADHAMAN District- Kishanganj

Chhotu Rai, Son of Late Mithu Rai Resident of Nauka Ghat, P.S.- New
Jalpaigudi, District- Jalpaigudi (West Bengal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Adv.

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-05-2022 Heard learned counsel for the parties.

Let the defect(s), if any, be removed within four
weeks.

The petitioner is in judicial custody in connection
with Special Case No.378/2020 arising out of Kochadhaman
P.S. Case No.307 of 2020 instituted under Sections 30(a), 35,
36, 41 of Bihar Prohibition & Excise Act, 2016.

As per the prosecution story the police intercepted
two cars coming from Siligudi and search was made whereafter
90 liters of foreign liquor was recovered/seized from the
vehicle, the petitioner was driving and from the other vehicles
630 liters of foreign liquor was recovered/seized. According
through single FIR the accused persons were arrested and the
petitioner is in judicial custody since i.e. 20.12.2020 (as stated
in para-13 of the bail application).



Learned counsel for the petitioner submits that he being driver of the vehicle had no knowledge of the alleged consignment which led to his arrest and long incarceration for one and half years. He further submits that the petitioner has no criminal antecedent and if it is found that contrary to the statement made herein, he does have a criminal antecedent, the Court, if grants bail to him, may become infructuous.

Considering the aforesaid fact that the charge sheet has been submitted, the petitioner has no criminal antecedent and is in jail since 20.12.2020, this Court is inclined to grant him the privilege of bail subject to the fact that if he do have criminal antecedent, this 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 the like amount each in connection with Special Case No.378/2020 arising out of Kochadhaman P.S. Case No.307 of 2020 to the satisfaction of learned Additional District & Sessions Judge, IInd, Special Judge (Excise), Kishanganj, subject to 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 cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month 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 steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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