

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70117 of 2021

Arising Out of PS. Case No.-287 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

CHHOTU KUMAR RAY S/O ARUN RAY Resident of Bansghat Gawandra
Dharampur, P.S.- Chakiya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 18-08-2022 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. Dilip 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 Special Case No. 467 of 2021 arising out of Kochadhaman P. S. Case No. 287 of 2021 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Sections 30 (a), 32 (2) (3), 33, 41, 47 of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the



police, on a secret information, apprehended a truck bearing registration no. BR06-G-2931 and on search, altogether 6000 litres illicit Indian made foreign liquor was recovered. It is further alleged that the petitioner was said to be driver of the truck, has been arrested at the spot.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner happens to be driver of the truck and he has no concern with the alleged recovered illicit spirit and wine as the truck in question runs for the purposes of transportation of goods by the transporter/owner of the truck and he was not even aware as to what was being carried by the transporter/consigner of the goods, which was kept in cartoons. It is further submitted that the petitioner is in custody since 12.10.2021, having fair antecedent and moreover, after completion of investigation, the charge sheet has been submitted. It is also submitted that there are other infirmities in the preparation of the seizure list.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that a huge consignment of illicit spirit and wine was recovered from he truck, which was being driven by the petitioner.

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 truck and the vehicle was used for the purposes of transportation of goods by the transporter/consigner and this petitioner has no concern with the alleged illicit wine and he is in custody since 12.10.2021, having fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 2nd -cum- Special Judge (Excise), Kishanganj in connection with Special Case No. 467 of 2021 arising out of Kochadhaman P. S. Case No. 287 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)

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