

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58098 of 2022

Arising Out of PS. Case No.-320 Year-2022 Thana- KUDHNI District- Muzaffarpur

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Sujeet Singh, Son of Lal Pratap Singh Resident of Village- Chhatauna Kala,
P.S.- Chanda, District- Sultanpur, Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Shrivastava, Advocate

For the Opposite Party/s: Mr.Sanjay Kumar Sharma, APP

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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 (if any).

In the present case, the petitioner seeks bail in con-
nection with Kurhani P.S. Case No. 320 of 2022 registered for
the alleged offences under Sections 272, 273, 420, 467, 468,
471, 414 and 34 of the Indian Penal Code and Section 30(a) of
the Bihar Prohibition and Excise Act.

As per prosecution case, police received secret infor-
mation about a truck loaded with illicit liquor. On search the
said truck was found parked and a person wandering nearby
tried to run away from the spot but he was apprehended and he
disclosed his name and stated himself to be the driver of the said



truck. The petitioner is the apprehended person who has been the driving the truck and recovery of 3748.32 litres of India made foreign liquor was made from the said truck.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has nothing to do with the so called recovery of liquor from the truck in question. The petitioner is a professional driver and he has no knowledge about the nature of consignment. If any illicit liquor is found, either the consignee or consignor or the owner of the truck should be made liable for it and not the driver of the vehicle. The petitioner has no knowledge about what has been loaded in the truck. Learned counsel for the petitioner further submits that there is no compliance of Section 100 of Cr.P.C. in course of search and seizure of the vehicle in question. The petitioner is in custody since 10.07.2022 and charge-sheet has been submitted. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail submitting that recovery of huge quantity of liquor has been made from the petitioner.

Having regard to the facts and circumstances and submissions made on behalf of the parties and further consider-



ing the fact that the petitioner is said to be the driver and further considering the clean antecedent of the petitioner along with the period of custody along 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, Court No.2, Excise Act, Muzaffarpur in connection with Kurhani P.S. Case No. 320 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the other following conditions:

- (i) One of the bailors will be 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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