

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1206 of 2022

Arising Out of PS. Case No.-194 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Saran

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Naveen, S/o Late Ved Prakash @ Bed Prakash @ Bad Parkesh, R/o Village-
Kharkhoda, Ward No. 6, P.S. - Kharkhoda, District- Sonipat, Haryana.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhukar Anand, Advocate

For the Opposite Party/s : Mrs. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-06-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Madhukar Anand, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Excise Case No. 194 of 2021, arising out of PR
Case No. 322 of 2021, for the offences punishable under
Sections 30(a), 32(1)(2) and 41(1) of the Bihar Prohibition and
Excise Act, 2016.

As per prosecution case, it is alleged that the police
on a secret information intercepted a Milk Tanker. On search
being made, altogether 918 litres of Indian made foreign liquor
was recovered. It is further alleged that the petitioner was said to



be the driver of the said vehicle, who has also admitted his guilt and disclosed that liquor belongs to one Bablu Bhai and the same was to be delivered at Darbhanga.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner is said to be the driver of the vehicle, however, during the entire investigation it has not come that he was knowing this fact that the Milk container had a secret cabin. It is also submitted that the entire search and seizure appears to be doubtful for the simple reason that neither the time of interception and search was made nor the registration number of the vehicle has been stated in the seizure list. It is also submitted that there is further discrepancies in the quantity of the illicit foreign liquor, which also makes the case doubtful, inasmuch as, in the F.I.R. it has been alleged that 918 litres of foreign liquor was recovered whereas in the charge-sheet as contained in Annexure-2 it discloses that altogether 1280 litres of foreign liquor has been recovered. It is next submitted that this petitioner is in custody since 04.09.2021 having no criminal antecedent and moreover the investigation has already been concluded and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes



the bail application and submits that the petitioner was arrested with the Milk tanker and from the said tanker the alleged recovery has been made.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner was the driver of the vehicle and serious doubt has been raised with regard to the manner of search and seizure, inasmuch as, the petitioner is in custody since 04.09.2021 and moreover the investigation has already been completed and charge-sheet has been submitted in this case, apart from the fact that the petitioner has no criminal antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Saran in connection with Excise Case No. 194 of 2021, arising out of P.R. Case No. 322 of 2021 subject to the condition that one of the bailors will be the local residents 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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