

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6946 of 2023

Arising Out of PS. Case No.-342 Year-2022 Thana- GUTHANI District- Siwan

AJAY Son of Vinod Singh Resident of Village - 4 No. Chungi Peer Mashala,
P.S.- Sarhind, District - Fatehgarh Sahib (Punjab)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Arvind Kumar Pandey, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 29-04-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Guthani P.S. Case No. 342 of 2022, dated 22.12.2022 registered
for the offences punishable under Section 420 of the Indian
Penal Code and Sections 30(a) and 41(1) of the Bihar
Prohibition and Excise Act.

3. The main submissions advanced by petitioner's
counsel are that the instant matter relates to the recovery of total
1365 Liters of country-made foreign liquor and the same is
stated to have been recovered from a truck and as per FIR, the
petitioner was found in the said truck but in actual the petitioner
was performing his duty as a driver on the said truck when the
recovery of wine was made and he is not the owner of the



alleged truck and he has been languishing in jail since 23.12.2022 having fair and clean antecedent and against him the investigation has been completed. Further submission is that the petitioner is a very young person.

4. Learned APP appearing for the State has opposed the prayer for bail.

5. Considering the above submissions and mainly petitioner's young age, his custody period and also the facts that the petitioner is stated to be the driver of the alleged truck from which recovery of the alleged wine was made and as per the statement made in paragraph No. 3 of the petition he has fair and clean antecedent and against him the investigation has been completed, in my opinion a lenient approach can be taken in respect of the petitioner's prayer for bail. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Guthani P.S. Case No. 342 of 2022 on the following conditions-

(i) The petitioner will be released after the framing of charge.

(ii) Both the bailors shall be the local residents within



the jurisdiction of the trial court, having sufficient immovable property to the satisfaction of the trial court and if, the petitioner misuse the privilege of bail, then the learned trial court shall take serious action against the bailors as per procedure of law.

6. Trial Court is further directed to verify the criminal antecedent of the petitioner from the DGP of Punjab State police through S.P. Concerned, if any criminal antecedent of the petitioner is found then the bail bond of the petitioner shall be cancelled.

(Shailendra Singh, J.)

maynaz/-

U		T	
---	--	---	--

