

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15045 of 2023

Arising Out of PS. Case No.-200 Year-2022 Thana- PANCHRUKHI District- Siwan

GOLU @ GOLU JAISWAL, aged about 26 years, Gender, Male, S/O LATE HARI RAM JAISWAL Resident of village- Khalilabad, P.S.- Kotwali, District- Sant Kabir (Uttar Pradesh), at present Residing at Bhagat Singh Colony, Bahadurganj, P.S.- Jhajjar, District- Jhajjar, (Haryana).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Chaudhary, Advocate

For the Opposite Party/s : Mr.Md. Matloob Rab, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 08-05-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.
2. Petitioner seeks regular bail in connection with Pachrukhi (Sarai O.P.) P.S. Case No. 200 of 2022 dated 06.09.2022 registered for the offence(s) punishable under Section(s) 30(a) and 41(1) of the Bihar Prohibition and Excise Act.
3. The main submissions advanced by the learned counsel for the petitioner are that the instant matter relates to the recovery of 423.36 litres of foreign liquor and the same is stated to have been recovered from a Bolero vehicle and petitioner is stated to be driver of the said vehicle and according to the prosecution's allegation, he was found in the said vehicle



in the capacity of driver when the alleged wine was recovered, in fact the petitioner had no concern with the alleged seized wine and he was performing his duty as a driver bonafidely and other co-accused persons, namely, Nand Kishore Yadav and Shiv Kumar Yadav have been granted anticipatory bail by different co-ordinate Benches of this Court vide Annexure 2 series. Further submissions are that the petitioner has been languishing in jail since 07.09.2022 having fair and clean antecedent and against him, the investigation has been completed.

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

5. Considering the above submissions and mainly the facts that two co-accused persons, as mentioned-above, have been granted anticipatory bail, petitioner is stated to be the driver of the alleged vehicle from which the alleged wine was recovered and against him investigation has been completed and as per the statement made in paragraph no.3 of the petition, the petitioner has fair and clean antecedent, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the **petitioner be released after framing of charge, if the same has not been framed** on bail in



connection with Pachrukhi (Sarai O.P.) P.S. Case No. 200 of 2022 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned with further conditions:-

(i) Both the bailors must be local residents within the jurisdiction of the trial court having sufficient immovable property.

(ii) The trial court will verify the criminal antecedent of the petitioner from the Director General of Police, Haryana through Superintendent of Police, Siwan and if any criminal antecedent of the petitioner is found then trial court will take serious action against him by cancelling his bail bond and also take serious action against the bailors, as per procedure of law.

(Shailendra Singh, J)

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