

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51553 of 2023

Arising Out of PS. Case No.-113 Year-2023 Thana- PHULWARIYA District- Gopalganj

JASVEER KUMAR SON OF ISHWAR @ ISHWAR SINGH RESIDENT OF
VILLAGE- ROHNA, PS- SONIPAT, DIST- SONIPAT (HARYANA)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Phulwariya P.S. Case No.113 of 2023 instituted under Sections 419, 420, 467, 468, 471/34 of the IPC and 182(A), (4)/177, 179 Motor Vehicle Act and 30(a)/41(i) of the Bihar Prohibition and Excise Amendment Act, 2018 lodged on 01.04.2023 by the informant Ashok Kumar.

As per the prosecution story, from a truck 2799.36 liters of foreign liquor was recovered/seized and the driver was arrested. This followed the FIR.

Learned counsel for the petitioner submits that he being a driver of Haryana had litter knowledge about the presence of the liquor along with the materials that was being transported which resulted into he being in jail since 02.04.2023 (para-12 of the petition).



Learned APP opposes the prayer for bail.

Considering the aforesaid submissions put forward by the learned counsel for the petitioner as also he is in custody since 02.04.2023, do not have criminal antecedent, will be diligently appearing in trial, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Phulwariya P.S. Case No.113 of 2023 to the satisfaction of learned ADJ, II cum Special Judge, Excise, Court No.1, Gopalganj, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every months for next one year to mark attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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