

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59074 of 2023

Arising Out of PS. Case No.-289 Year-2023 Thana- ARWAL District- Jehanabad

KAILASH BISHNOI son of Krishna Ram R/o- Sondi Ps- Sedwa Dist-
Barmer, Rajasthan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-09-2023

Heard the parties.

2. The petitioner is an accused in connection with Arwal P.S. Case No. 289 of 2023 registered for the offences under sections 30(a) and 41 of the Bihar Prohibition and Excise Amendment Act lodged on 10.06.2023 by the informant, Sanjiv Kumar Rai.

3. As per the prosecution story, the informant- police officer intercepted a truck bearing Rajasthan Registration Number. Though the Driver-petitioner managed to escape, he was arrested near Aurangabad Railway Station by tracking his mobile number. From the Truck, 6922.44 litres of liquor was recovered/seized. This followed the FIR.

4. It is the case of the petitioner that he being the Driver had no knowledge what has been loaded in the truck, little realizing that he has been trapped by those who loaded liquor in it, is a native of Rajasthan and had little knowledge of



the prohibition policy of the State, is suffering and is ready to abide by all the terms and conditions, if granted bail.

5. Further, irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs. 25,000/- to the Patna High Court Legal Services Committee.

6. Learned APP for the State, on the other hand, opposes the prayer for bail stating that the recovery is of 6922.44 litres of liquor.

7. Considering the submissions put forward by the learned Counsel for the petitioner, he is a truck driver, is a native of Rajasthan, is in custody since 11.06.2023 (as stated in paragraph 5 of the bail application), FIR lodged and will be ultimately facing the trial, this Court is inclined to extend him privilege of bail subject to payment of Rs. 25,000/- as undertaken by the learned Counsel for the petitioner.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Court of Special Judge-II, Excise, Jehanabad, Bihar in connection with Arwal P.S. Case No. 289 of 2023, subject to the 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 month 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 his 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.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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