

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64723 of 2023

Arising Out of PS. Case No.-251 Year-2023 Thana- PHULWARIYA District- Gopalganj

Samunder @ Samundra Son Of Sita Ram Resident Of Village - Rohna, P.S. -
Kharkhoda, District - Sonipat (Haryana)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dheeraj Kumar, Adv.

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 11-10-2023 Let the defect(s), if any, be removed within two weeks
from today.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks regular bail in connection with
Phulwariya (Sripur) P.S. Case No. 251 of 2023 dated
16.07.2023, lodged under Sections 419, 420/ 34 of the I.P.C.
read with Sections 182(A)(4)/ 177/ 179 of the M.V. Act & 30(a)/
41(1) of the Bihar Prohibition and Excise (Amendment) Act,
2018.

4. As per the prosecution case, the total recovery of
1787.400 litre foreign wine has been made, which is the subject
matter of the present case.

5. Learned counsel for the petitioner submits that the

petitioner is alleged to be the driver of the said truck from which the recovery has been made. Counsel submits that the petitioner is in custody since 16.07.2023. Counsel submits that the petitioner was completely unaware that illegal material has been loaded on the truck. Counsel further submits that there is one criminal antecedent of the petitioner of similar nature.

6. Learned counsel for the State opposes the prayer for bail and submits that the petitioner was well aware that what he was doing.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail after framing of charge on furnishing bail bonds of Rs. 2,00,000/- (Rupees Two Lakh Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge- IInd-cum-Special Judge Excise-I, Gopalganj in connection with Phulwariya (Sripur) P.S. Case No. 251 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for 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 evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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