

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66781 of 2022

Arising Out of PS. Case No.-297 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Araria

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VISHAL DHANRAJ JAISWAL, S/o Amar Nath Choudhary, R/o- Purani
Bazar, Mahuwa, Sadapur, P.S.- Mahuwa, District- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Adv

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

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-02-2023 Today being Friday, matters are being taken up through virtual
mode, as per current procedure for hearing.

Heard learned counsel for the petitioner and learned APP for
the State.

This Court would expect that the petitioner's counsel would
honour his undertaking in the instant proceedings regarding supply of
requisite court fee etc. within two weeks from the date he is called
upon to do so by the office.

Petitioner seeks bail in connection with Araria Sadar Circle
(Prohibition and Excise) P.S. Case No. 297 of 2022 registered under
Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

There is alleged recovery of 245 litres illicit liquor from a
pickup van. The petitioner is stated to be driver of the vehicle in
question.

Learned counsel for the petitioner submits that petitioner has
no concern with the alleged recovery. It is a case of false implication.
There is no recovery from his conscious possession. Having no



antecedents, he is in custody since 10.10.2022. Recovery is denied and disputed by learned counsel for the petitioner. It is submitted that recovery is not in accordance with law and investigation is complete.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, manner of recovery, period of custody, clean antecedent and the fact that investigation is complete, this Court is inclined to allow the petitioner's prayer for bail. Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court IInd, Araria in Araria Sadar Circle (Prohibition and Excise) P.S. Case No. 297 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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