

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68348 of 2022

Arising Out of PS. Case No.-211 Year-2022 Thana- BHAGWANPUR District- Vaishali

VISHNU, S/O Bagrawat Ram @ Bagadavat Ram, R/O Rasisar, P.S- Nokha,
District- Bikaner (Rajasthan)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhukar Anand, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Bhagwanpur
P.S. Case No. 211 of 2022 registered for the offence punishable under
Sections 272 and 273 of the Indian Penal Code and Section 30(a) of
the Bihar Prohibition and Excise Act.

The petitioner is stated to be the driver of the vehicle from
which there is recovery of 350.685 litres illicit liquor.

Learned counsel for the petitioner submits that petitioner's
professional services as a driver were requisitioned after loading of
the illicit liquor in the vehicle. He, therefore, was not aware of any
liquor being transported there in. Co-accused passenger namely
Kundan Kumar has been allowed bail in *Cr. Misc. No. 62642 of*
2022. The petitioner has clean antecedents, as per disclosure made
para 3 of the bail petition. He is in custody since 04.09.2022.
Moreover, investigation is also complete. Recovery is denied and



disputed and is stated to be not in accordance with law.

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

Considering the rival submissions, manner of petitioner's implication, period of custody, claim based on parity, and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.

Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Vaishali at Hajipur, in connection with Bhagwanpur P. S. Case No. 211 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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