

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72802 of 2022

Arising Out of PS. Case No.-599 Year-2022 Thana- MAHUA District- Vaishali

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Gurulal Singh, Son of Jamail Singh R/v- Tej Colony, P.O.- Patiala, P.S.- Patiala, District- Patiala (Punjab)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Shaheen Begum, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-01-2023 Heard learned counsel for the petitioner and the learned APP for the State through virtual mode in view of COVID-19.

The petitioner apprehends his arrest in connection with Mahua P.S. Case No.599 of 2022 instituted under Sections 414/34 of the Indian Penal Code and Section 30(a), 32(ii), 34(ii), 41(i) of Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution story, the police upon information intercepted a loaded truck and recovered/seized 2434.080 liters of foreign liquor. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that he is a driver and had no knowledge about the presence of the foreign liquor in the consignment. He was simply asked by the owner of



the truck to take the loaded vehicle to Bihar where he was intercepted and arrested. Last submission is that he do not have criminal antecedent.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Taking into account the aforesaid fact that petitioner is a driver, resident of Punjab, had no knowledge about the presence of the foreign liquor in the consignment and he do not have criminal antecedent, this Court is inclined to grant him privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Mahua P.S. Case No.599 of 2022 to the satisfaction of learned Exclusive Special Excise Court No.2-cum-Additional District & Sessions Judge, Vaishali at Hajipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and with further conditions that:

(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 six months to mark attendance, failing which steps be taken for cancellation of bail;

(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/
Ajay Singh

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