

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75304 of 2023

Arising Out of PS. Case No.-274 Year-2023 Thana- CHAINPUR District- Kaimur (Bhabua)

PAWAN KUMAR Son of Giridhari Lal @ Girdhari Lal R/o Mohalla -
Ambika Nagar, Khaliyano Ka Bagichi, P.s. - Kotwali, Distt. - Tonk
(Rajasthan)

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dheeraj Kumar

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-11-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Chainpur P.S. Case No. 274/2023 registered for the offences punishable under Sections 419, 420, 467, 468, 471, 120(B) of the Indian Penal Code and Sections 30(a)/32(i) (ii)/41 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, there was alleged recovery of total 621 liters foreign liquor from one Tata Magic vehicle and the petitioner was a driver of the said vehicle and apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this



case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 03.09.2023 and bears no criminal antecedent. He further submits that the petitioner is not the owner of the alleged vehicle in question. He is merely a driver of the said vehicle and has no knowledge regarding the alleged liquor that has been kept in the said vehicle. The petitioner has to follow the instruction of his owner to earn the livelihood. He further submits that the seizure list has not been prepared as per the law.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody and keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise No.1 cum A.D.J.-IV, Kaimur at Bhabhua in connection with Chainpur P.S. Case No. 274/2023, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

amitkumar/-

U		T	
---	--	---	--

