

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75562 of 2023

Arising Out of PS. Case No.-136 Year-2023 Thana- CHANDAN District- Banka

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KRIPA SAGAR @ SONU SON OF RAJENDRA SAH RESIDENT OF
VILLAGE - SUNDARPUR BELA, P.S. - LALIT NARAIN UNIVERSITY,
DISTRICT - DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey

For the Opposite Party/s : Mr.Indu Kumari Srivastava

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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.

The petitioner seeks bail in connection with
Chandan P.S. Case No. 136/23 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act.

As per prosecution case, it is alleged that when the
informant and police officials were checking vehicles near
Jugari More, they saw two cars were coming from Deoghar
Side. On suspicion, they asked the drivers of both the vehicles
to stop, but the drivers tried to escape. The police apprehended
the drivers and on enquiry, the driver of the seized car bearing
registration no. BR01BX4850 disclosed his name as Kripa



Sagar @ Sonu(Petitioner) and on search total 171.33 litres of illicit foreign liquor was recovered from the said vehicle in question. It is further alleged that from the other four wheeler vehicle, bearing Registration No. WB26K-3265 total 161.13 litre illicit liquor was recovered and co-accused Jitendra Kumar being driver of the said car was apprehended on spot.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. The petitioner is in custody since 30.08.2023. Learned counsel for the petitioner has orally submitted that he is not the owner of any of the vehicles in question and he has no concern with the same. It is further submitted that the petitioner has no knowledge about the loaded liquor that has been recovered from the vehicle. Petitioner has claimed that he is the driver of seized car bearing Registration no. BR01BX4850 and he has to follow the instruction of the owner to earn his livelihood.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view the clean antecedent of the



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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II, Banka in connection with Chandan P.S. Case No. 136/23, subject to the 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)

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