

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.156 of 2023

Arising Out of PS. Case No.-492 Year-2022 Thana- SAHPUR District- Patna

Harendra Kumar Son Of Vishun Dev Yadav @ Vishnudeo Yadav R/O Vill.-
Kashopur, P.S.- Paliganj, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 25-04-2023 1. Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.
2. Heard learned counsel for the petitioner and the learned APP for the State.
3. Petitioner seeks regular bail in connection with Special Excise Case No. 1805/2022 arising out of Shahpur P.S. Case No. 492 of 2022 dated 12.10.2022 registered for the offences punishable under Sections 30(a), 41 and 56 of Bihar Prohibition and Excise Act.
4. The main submissions advanced by petitioner's counsel are that the instant matter relates to the recovery of total 900 litres of foreign liquor from the alleged vehicle (Pick-up



Van) but the alleged vehicle does not belong the petitioner, in fact the petitioner was the driver of the alleged vehicle and he had no knowledge about the alleged liquor being kept in cartoons in the alleged vehicle and simply he was performing his duty as a driver on the said vehicle and nothing has been recovered from the conscious possession of the petitioner. Further submissions are that the petitioner has fair and clean antecedent and has been languishing in jail since 13.10.2022 and the police has not complied with the provisions of Section 100 of Cr.P.C. as there is no independent witness of search and seizure of the alleged liquor and the petitioner is a young person.

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

6. In view of the facts, as stated above and mainly considering the petitioner's fair and clean antecedent and his young age and also the fact that the petitioner is stated to be driver of the alleged vehicle and he has taken the plea that he had no knowledge about the loaded articles, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount



each to the satisfaction of the Court concerned in connection with Special Excise Case No. 1805/2022 arising out of Shahpur P.S. Case No. 492 of 2022, on the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) 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.

(iii) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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