

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7311 of 2024

Arising Out of PS. Case No.-736 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

Dinesh Kumar S/O SURAT SINGH VILLAGE- MASAUR, PS.
GHUMWARI, DISTT. BILASPUR (HIMACHAL PRADESH).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhash Pradhan

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-02-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Mohania P.S. Case No. 736 of 2023 registered for the offences punishable under Sections 420, 467, 468/34 of the IPC and sections 30(a) and 47 of the Bihar Prohibition and Excise (Amendment) Act.

As per prosecution case, 3396.96 litre illicit liquor was recovered from truck in question and petitioner was apprehended on spot being the driver of the said truck.

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. It is further submitted that petitioner is not owner of the vehicle in



question and he has no knowledge regarding the illicit liquor kept in the said vehicle. Petitioner being a driver, has to follow the instructions of owner to earn his livelihood. Basically no incriminating article has been recovered from conscious possession of the petitioner. Petitioner is in custody since 16.10.2023. Learned counsel orally submits that charge sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Petitioner bears no criminal antecedent.

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 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 Special Judge Excise No. 1-cum-A.D.J. IV, Kaimur at Bhabua in connection with Mohania P.S. Case No. 736 of 2023, 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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