

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54178 of 2024**

Arising Out of PS. Case No.-161 Year-2024 Thana- SAHEBPUR KAMAL District-
Begusarai

Rajendra Kumar Saw Son of Sita Ram Saw Village- Jharia, PS- Jharia, Dist-
Dhanbad, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Sinha, Adv.

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 07-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Sahebpur Kamal P.S. Case No. 161 of 2024 instituted for the
offences under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. As per prosecution case, the police has recovered
total 1667.985 litres illegal foreign liquor and 24 litre bear from
the tractor trolley bearing Registration No. BR09H1139.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
The petitioner is the driver of the alleged tractor. He further



submits that the petitioner only delivers goods as directed by the owners and the contractors. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner was not aware of the contents of the material loaded in the alleged tractor trolley. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has one criminal antecedent and is languishing in judicial custody since 08.06.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sahebpur Kamal P.S. Case No. 161 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall



be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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