

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57420 of 2024

Arising Out of PS. Case No.-380 Year-2024 Thana- Excise P.S. District- Katihar

Ramkrishna Yadav S/O Rajgir Yadav R/O Jakhar, Dharmpur, Ward no 11, P.S-
Rosera, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-08-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Katihar Excise P.S. Case No. 380 of 2024,
registered for the offence punishable under Sections 30(a) of the
Bihar Prohibition and Excise Act, 2016.

3. The police in course of patrolling on a secret
information intercepted a Mahindra Bolero pick up van bearing
Registration No. BR-06GE-4167. The petitioner is said to be the
driver of the pick up van. On search total 196.50 liters Indian
made foreign liquor was recovered. The another apprehended
accused person disclosed that the illicit wine belongs to him.

4. Learned Advocate for the petitioner contended that
from the narratives made in the FIR it is evident that the
petitioner happens to be the driver of the vehicle, in question,
who drives the vehicle on the dictate of the owner. Since the



vehicle, in question, was being run for the purposes of carrying goods and the petitioner was not aware as to what was being carried by the owner or the transporter of the goods. However, when the police apprehended, his name has been implicated in this case. The petitioner has absolutely clean antecedent and neither he has any concern with the vehicle, in question, except he being driver nor with the recovered illicit wine. Moreover, there is other infirmities in the search and seizure, coupled with the fact that the witnesses to the search and seizure and none else but the police personnel. Now the petitioner has been incarcerated since 29.06.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submitted that the petitioner was apprehended with the vehicle, from which the entire recovery has been made.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner happens to be driver and now he has been incarcerated since 29.06.2024, coupled with the fair antecedent of the petitioner, let the petitioner, named above, 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 learned Exclusive Special Judge Excise Court No.-1, Katihar in



connection with Katihar Excise P.S. Case No. 380 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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