

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59960 of 2024

Arising Out of PS. Case No.-254 Year-2024 Thana- ALOULI District- Khagaria

Chhotu Kumar, Son of Dilwar Yadav, R/O Village- Kua, P.S.- Bithan, Dist.-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar, Advocate
		Mr. Rahul Singh, Advocate
For the Opposite Party/s	:	Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-08-2024 Heard Mr. Binod Kumar, learned Advocate for the
petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Alauli P.S. Case No. 254 of 2024 registered
for the offence punishable under Section 30 (a) of the Bihar
Prohibition and Excise Act.

3. The police on a secret information intercepted a
Hundai Car, bearing registration no. WB-02AC-4777 and
apprehended the petitioner, who is said to be the driver of the
vehicle. On search, total 131.76 litres of Indian made foreign
liquor was recovered.

4. Learned Advocate for the petitioner contended that
from the narratives made in the F.I.R., it is evident that the



petitioner is a driver of the vehicle, who runs the car on the instruction of the owner of the vehicle. The goods, which were recovered from the vehicle, was carried by the owner and in fact the petitioner was not even aware as to what was kept in the dickey of the car by the owner. It is next contended that there is other infirmities in the search and seizure and the witnesses are none else than the police personnel and there is defiance of Section 100 of the Cr.P.C. It is lastly submitted that the petitioner is a man of fair antecedent and in his tender age.

5. On the other hand, learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is a driver of the vehicle, having fair antecedent, aged about 19 years, coupled with the fact that investigation of the crime is complete, 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 Excise Judge-I, Khagaria in connection with Alauli P.S. Case No. 254 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.

(Harish Kumar, J)

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