

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59764 of 2024

Arising Out of PS. Case No.-403 Year-2024 Thana- Excise P.S. District- Siwan

Babu Lal Son of Bharta Ram R/o Village- Vodha, P.S.- karda, District-
Sanchaur (Rajasthan)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-08-2024 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 Siwan Excise P.S. Case No. 403 of 2024,
registered for the offence punishable under Sections 30(a) and
32(3) of the Bihar Prohibition and Excise Act, 2016
(Amendment Act 2022).

3. The police on a tip of trafficking of illicit wine
intercepted a Mahindra XUV 500 bearing registration no.
KA03MQ-0225. The petitioner was said to be driver of the
vehicle, in question, and he was apprehended by the police. On
search, total 317.070 liters of Indian made foreign liquor was
recovered.

4. Learned Advocate for the petitioner contended that



the petitioner being driver of the vehicle, in question, was not acquainted with the fact that as to what was being carried in the vehicle on the instruction of the owner of the vehicle. Neither he has any concern with the illicit wine nor with the vehicle, except he being driver of the vehicle. It is further contended that there is no compliance of Section 100 of the Cr.P.C., inasmuch as the witnesses are non-else but the police personnel. That apart, the petitioner is a man of fair antecedent and he undertakes that he will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that a huge quantity of illicit liquor was recovered.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is a driver, having fair antecedent, and now he has been incarcerated since 01.07.2024 and the 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 Court-II, Siwan in connection with Siwan Excise P.S. Case No. 403 of 2024, subject to the



condition that one of the bailors will be the local resident 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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