

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60257 of 2024

Arising Out of PS. Case No.-146 Year-2024 Thana- NAYAGAON District- Saran

Ashok Kumar S/o Rambabu Ray R/o vill - Najarmira, P.S. - Sonepur, Distt. - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-08-2024 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 Nayagaon P.S. Case No. 146 of 2024, registered for the offence punishable under Section 30 (a) of the Bihar Prohibition & Excise Amendment Act, 2022.

3. In course of patrolling, the police on a secret information intercepted a tempo bearing Registration No. BR31AS-0461. The petitioner is said to be driver of the tempo, in question. On search, total 706 Kg jaggery was recovered. It is also alleged that the seized jaggery was being transported for the purposes of manufacturing of illicit wine.

4. Learned Advocate for the petitioner contended that the entire case of the prosecution is based on suspicion that the



jaggery were to be used for the purposes of manufacturing of illicit wine. Transportation of jaggery cannot be said to be any offence. It is next contended that admittedly, the petitioner is driver of the tempo and, as such, the jaggery was being transported on the instruction of the owner and he has nothing to do with the jaggery nor with the tempo, in question, except to the extent of he being driver. The witnesses are none else but the police personnel. Now the investigation of the crime is complete and the petitioner is in custody since 06.08.2024.

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 nature of recovery and the fact that the petitioner is said to be driver of the tempo, in question, being a person of fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 5,000/- (Rupees five thousand) with two sureties of the like amount each to the satisfaction of learned Court of 2nd Special Judge, Excise Saran at Chapra in connection with Nayagaon P.S. Case No. 146 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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