

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36752 of 2019

Arising Out of PS. Case No.-157 Year-2019 Thana- JAKKANPUR District- Patna

DEEPAK KUMAR, aged about 21 years, Male, Son of Sri Sri Krishhandeo Rai, Resident of Village - Janta Road, P.S.- Gardanibagh, Distt.- Patna
... Petitioner

Versus

The State of Bihar ... Opposite Party

with

CRIMINAL MISCELLANEOUS No. 37178 of 2019

Arising Out of PS. Case No.-157 Year-2019 Thana- JAKKANPUR District- Patna

VIKKI KUMAR, aged about 40 years, Son of Sri Umesh Sah, R/v- Jarhua, Kanpura, P.S.- Ganga Bridge, District- Vaishali, at present tenant at Janta Road, P.S.- Gardanibagh, Distt.- Patna
... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

(In both the cases)

For the Petitioners : Mr. Vijay Kumar Sinha, Adv.

For the Opposite Party : Mr. Renu Kumari, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-06-2019 Since, both the cases arise out of same police station case number, hence, both are heard together and are being disposed of by this common order.

Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the State.

The petitioners are languishing in judicial custody since 20.03.2019 in connection with Special Case No. 3060 of 2019 arising out of Jakkanpur P.S. Case No. 157 of 2019 for the offences alleged under Sections 272, 273 and 120B of the Indian Penal Code and under Sections 30(a), 38 and 41 of the Bihar



Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police personnel, is that a truck was searched and the petitioners and two others were found in the truck. On search, from the truck and an Indigo car, 2326.480 liters of illicit liquor was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case. He submits that they were not the driver of the truck as they are students and have been falsely implicated just because they along with two others inside the truck. He submits that one of the co-accused apprehended, along with the petitioners, has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 31949 of 2019, dated 16.05.2019, and the petitioners are languishing in judicial custody since three months. He, further, submits that there is non-compliance of Section 100 of the Criminal Procedure Code.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioners do not bear a clean antecedent and one more case of similar nature is pending against the petitioner, Deepak Kumar.



Considering the nature of allegations and that the one of the co-accused, apprehended along with the petitioners, has been granted the privilege of bail, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Special Case No. 3060 of 2019 arising out of Jakkanpur P.S. Case No. 157 of 2019 to the satisfaction of the learned Special Judge, Excise, Patna, or the successor Court, subject to the following conditions :

(i) One of the bailors would be a close relative of each of the petitioners having sufficient immovable property, who will file an affidavit stating his/their relationship(s) with the petitioner(s).

(ii) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his/their bail bond(s).

(Nilu Agrawal, J)

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