

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18126 of 2020

Arising Out of PS. Case No.-55 Year-2020 Thana- DURGAWATI District- Kaimur (Bhabua)

1. SAHJAD @ SIDDU Son of Abdul Rajjak Resident of Village- Pathrouda, P.S.- Adalahat, District- Sonbhadra (U.P.).
2. Satyam Singh Son of Mahendra Singh Resident of Village- Mankapada, P.S.- Iliya, District- Chandouli (U.P.).
3. Raj Kumar Son of Bhairam Sonkar Resident of Village- Madhupur, P.S.- Robertsganj, District- Sonbhadra (U.P.).
4. Sonu Sonkar Son of Gulab Sonkar Resident of Village- Madhupur, P.S.- Robertsganj, District- Sonbhadra (U.P.).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pathak

For the Opposite Party/s : Mr.R. B. Roy 'Raman', APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 13-05-2020 Heard learned counsel for the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

This application for grant of regular bail arises out of Durgawati P.S. Case No. 54 of 2020 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

It is the case of the petitioners that from a vehicle (Force) having registration No. UP 64-AT-5103, the police recovered huge quantity of foreign liquor. It is the further case of the prosecution that these petitioners were sitting in the



vehicle and on seeing the police, they had started fleeing away and were subsequently apprehended and 349 liters of country made liquor was recovered.

Learned counsel for the petitioners has submitted that the police have built up a false case and have obtained forcibly, signatures of these petitioners and their thumb impression on certain papers without disclosing any fact about it. He has submitted that even if the case of the prosecution is treated to be correct, the recovery of the articles was made from the portion of the vehicle, which was totally concealed and, therefore, there was no occasion for the petitioners to know as to what was being carried out in the said vehicle. He has also submitted that the petitioners have no concern with the vehicle in question.

However, considering the direct allegation in the first information report that the petitioners were occupying the vehicle from which the recovery of huge quantity of foreign liquor has been made, I am not inclined to allow this application. This application is accordingly rejected.

The petitioners shall be at liberty to renew their prayer for bail after six months from today.

Since there is a lock down, the Court has considered it



appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) The said order shall be communicated to the Court below for the needful by the Registry through e-mail.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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