

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 20396 of 2020

- =====
1. GAUTAM KUMAR @ GAUTAM CHAUDHARY, (male) aged about 34 years, S/o- Upendra Chaudhary, R/o village- Pitanghia, P.S.- Banka, District- Banka
2. BALRAJ SINGH,(male) aged about 31 years, S/o- Ram Kumar, R/o- Pauh Pindara, P.S.-Sadar, District- Vinal, State- Haryana, presently residing at House No. 236, Ward No. 23, Gohana Marg Chawri Colony, P.S.- Sadar (Civil Chawki), District- Vinal, State- Haryana

... .. Petitioners

Versus

1. The State of Bihar Opposite Party

=====

Appearance

For the Petitioner/s : Mr.G.P. Bimal, Sr. Advocate
: Mr.Manoj Kumar
For the Opposite Party/s : Mr.R.B. Ray Raman, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 19-08-2020 Heard Mr. G.P. Bimal, learned Senior counsel appearing on behalf of the petitioners and Mr. R.B. Rai Raman, learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of regular bail arises out of Sahebpur Kamal P.S. Case No. 58 of 2020 registered for the offences punishable under Sections 120(B), 224, 414/34 of the Indian Penal Code read with Section 30(a), 32, 27 and 41(1) of the Bihar Prohibition and Excise Act.

There are eleven persons named in the F.I.R. including these two petitioners. It is alleged that on the basis of secret information to the effect that one Tata 407 vehicle was parked somewhere loaded with prohibited liquor, which was



being unloaded, a raid was conducted by the police during the course of which 90 liters of prohibited liquor was recovered. The recovery was made from a place situated within the district of Khagaria, Bihar. Petitioner no. 2 is resident of Haryana. From the F.I.R., it appears that the police noticed four persons sitting in the pickup van and four persons roaming around the van. On seeing the police, they allegedly started fleeing away. Two of the miscreants, who had attempted to flee away from the pickup van were apprehended, whereas others managed to flee away. It is also alleged that that when the police party was busy with preparation of seizure list, one of the two apprehended accused Jeewan Kumar fled away. Suraj Kumar, who was apprehended by the police gave vivid details of the manner in which a group of persons operate in illicit trade of prohibited liquor in Khagaria and disclosed the names of the persons involved in illegal trade of illicit liquor. He also disclosed that petitioner no. 2 who, is a resident of Haryana and his friend, a resident of Banka in the district of Bihar live at Khagaria and deal with trade of illicit liquor in Khagaria and surrounding places. On the information given by the informant, the petitioners were apprehended from a place at Khagaria. The petitioner no. 2 has described his place of residence in the district of Vinal in the State of Haryana. He has not at all disclosed the circumstance in



which, he was present in Khagaria with co-accused, petitioner no. 1. Absence of any explanation in this regard gives credence to the statement of the arrested accused Suraj Kumar of involvement of these petitioners in commission of crime in an organized manner in the locality.

Further in during the submission, the Court noticed that learned counsel for the petitioner was in possession of the entire case diary. On a query made by the Court, as to how, he could obtain the case diary, learned counsel for the petitioner failed to give any plausible reply. Case diary is a confidential document, till the same is provided to an accused by the police as police papers, in accordance with Section 207 of the Cr. P.C.. It is evident thus that the petitioners have managed to illegally obtain the case diary and thus they are interfering with the course of investigation. In such circumstance, I am not inclined to grant them, privilege of regular bail.

This application is dismissed.

It is directed that defects in the application pointed out by the Registry must be removed within two months from today.

Since there is a lockdown, 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) Let a copy of the order be communicated to the learned court below through e-mail or any other appropriate electronic mode by the Registry.

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)

AKASH/-

U		T	
---	--	---	--

