

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No. 21151 of 2021**

Arising Out of PS. Case No.-418 Year-2020 Thana- GAIGHAT District- Muzaffarpur

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1. Chandan Kumar, aged about 25 years, Gender-Male, Son of Amarnath Bhandari.
  2. Ajit Kumar @ Ajit Kumar Sahni, Gender-Male, aged about 21 years, Son of Baidya Nath Sahni.

Both are resident of Village - Ali Nagar Sundarpur, P.S.- University, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

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

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**

ORAL ORDER

2     17-11-2021                      Heard Mr. Alok Kumar Alok, learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

The petitioners seek regular bail in connection with Gaighat P.S. Case No. 418 of 2020 registered for offence punishable under Sections 272, 273, 414, 420, 467, 468, 471/34 of the Indian Penal Code and Sections 30 (a), 36 and 41 (1) of



the Bihar Prohibition and Excise Act, 2016, as amended up to date.

The allegation against the petitioners in the FIR is that at around 9:40 in course of vehicle checking 172.800 liters of foreign liquor kept in 20 cartoons were recovered from Tata Indigo car bearing registration no. DL 1CM 5075. Learned counsel appearing on behalf of the petitioners submit that the car as well as the articles were not recovered from his possession. He has made specific statement in paragraph nos. 9, 10 and 11 of the petition that nothing was recovered from the possession of these petitioners and the car as well as the liquor do not belong to them, neither has been transported by them. It has further been submitted that all the two petitioners namely Chandan Kumar and Ajit Kumar @ Ajit Kumar Sahni are having clean antecedent and they are daily wagers and were standing nearby to board the bus for Muzaffarpur.

Learned counsel appearing on behalf of the State, submits that from perusal of the FIR, itself the involvement of the petitioners in the said illegal trade of liquor cannot be ruled out. However, he submits that the recovery have been made from the Tata Indigo Car bearing registration no. DL 1CM 5075 and its owner has not been mentioned in the FIR and as such the



petitioners cannot be absolved from the allegation made in the FIR.

Learned State counsel opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case as well as the period of custody, the petitioners have made out a case, I am inclined to be released on bail. The Court below is directed to obtain a report from the Senior Superintendent of Poice, Muzaffarpur or the District Transport Officer, Muzaffarpur regarding the ownership of the vehicle Tata Indigo Car bearing registration no. DL 1CM 5075. If the said vehicle is not registered in the name of any of these petitioners, the petitioners be released forthwith on bail on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Muzaffarpur in connection with Gaighat P.S. Case No. 418 of 2020, subject to following conditions:

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.



(3) If the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(4) If the petitioners are found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel their bail bonds.

**(Purnendu Singh, J.)**

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