

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2040 of 2022

Arising Out of PS. Case No.-271 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

1. Jitan Kumar, S/o Mohit Roy, Resident of Village- Wajidpur, Ward No.3, P.S.- Bochha, District- Muzaffarpur.
2. Sharwan Kumar, Son of Surendra Paswan, Resident of Village- Balthi, Rusalpur, P.S.- Bochha, District- Muzaffarpur.
3. Fulbabu @ Fulbabu Kumar, Son of Shankar Sahani, Resident of Village- Vijayee Chhapra, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha, Advocate
For the Opposite Party/s : Mrs. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-06-2022 At the outset, learned counsel for the petitioners seeks permission to make necessary correction in para. 7 of the bail application during the course of the day.

Permission is accorded.

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Amal Kumar Sinha, learned counsel for the petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Special Case No. 436 of 2021, arising out of



Kochadhaman P.S. Case No. 271 of 2021, for the offences punishable under Sections 272, 273 of the Indian Penal Code and Sections 30(a), 32(2)(3), 33, 41 and 47 of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that on 29.09.2021 during vehicle checking, the police apprehended two Mahindra Bolero vehicles, bearing registration no. BR06P 1183 and BR06PB 1363. On search being made total 900 litres of spirit was seized from both the vehicles.

It is submitted by the learned counsel appearing on behalf of the petitioners that petitioner no.1 is the driver of the vehicle, bearing registration no. BR06P 1183. So far as petitioner nos. 2 and 3 are concerned, they are the passengers of the said vehicle. It is further submitted that the petitioners being the driver and the passengers of the vehicle are not aware of the fact that as to what was loaded by the consigner or the owner of the vehicle. It is also submitted that the petitioners have no concern with the seized article and the same was loaded by the consigner on the order of the owner of the vehicle. It is further submitted that the petitioners are in custody since 30.09.2021, apart from the fact that the investigation of the crime has already been concluded and the charge-sheet has been



submitted. It is next submitted that all these petitioners have got clean antecedent.

On the other hand, learned APP for the State opposes the bail application and submits that all the three persons were apprehended by the police and recovery has been made from their possession.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioners are the driver and the passengers of the vehicle and they are in custody since 30.09.2021 having fair antecedent and moreover, the investigation has already been concluded and charge-sheet has been submitted in this case, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Kishanganj in connection with Special Case No. 436 of 2021, arising out of Kochadhaman P.S. Case No. 271 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.



(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They 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, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

uday/-

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

