

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11569 of 2022

Arising Out of PS. Case No.-391 Year-2021 Thana- DIGHWARA District- Saran

=====

Krishna Kumar Modi @ Krishna Modi, S/o Ram Kumar Modi, R/o Village-
Ravindra Kumar, Near Shiv Mandir, 211, Hari Nagar, P.O.- Tatisilway, P.S.-
Tatisilway, Ranchi, Jharkhand, Pin- 831503.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 9560 of 2022

Arising Out of PS. Case No.-391 Year-2021 Thana- DIGHWARA District- Saran

=====

Prasanna Kumar Parida, S/o BidyadharParida, R/o House No. - MIG- 16,
Gopabandhusamabaya Nagar, Jagatpur Cuttak, Orissa, State, Pin - 754021.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 11569 of 2022)

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

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

(In CRIMINAL MISCELLANEOUS No. 9560 of 2022)

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

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-07-2022 Since all the aforesaid cases arise from Dighwara

P.S. Case No.391 of 2021, as such, they have been heard

together and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned

APP for the State through Video Conferencing.

Let the defect (s), as pointed out by the office, be

removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Dighwara P.S. Case No. 391 of 2021, registered for the alleged offences under Section 420/120-B/34 of the Indian Penal Code and Sections 30(a), 32 (ii)(iii), 36, 41 (i)(ii) of the Bihar Prohibition and Excise (Amendment)Act, 2018.

The prosecution case is that on receipt of secret information that India made foreign liquor was being carried on a truck, the truck being driven by the co-accused Samundra Kumar was stopped and checked and about 1718.700 litres of India made foreign liquor was seized.

The learned counsel for the petitioners, namely, Krishna Kumar Modi and Prasanna Kumar Parida submits that the petitioners are innocent and they have been falsely implicated in this case due to highhandedness of the police personnel. The petitioner-Krishna Kumar Modi is working as a Manager and the petitioner-Prasanna Kumar Parida is working as Senior Chemist in Gemini Distilleries (Jharkhand) Pvt. Ltd., which has got the licence for manufacturing the liquor and is registered for sale of the same in the State of Jharkhand for its registered brands. The manufacturing facility and the warehouse

of the company are under the supervision of Excise Department of Jharkhand State and nothing could go out without its permission. The co-accused persons used the fake labels of the company and for which complaint has been made to the authorities in Jharkhand. The learned counsel further submits that, in the instant case, both the petitioners have been named as accused only on the basis of the statement of co-accused driver and nothing material has come up so far in the investigation against this petitioners. All the witnesses are official and that too police personnel and anything said before them has got no sanctity in the law. Charge sheet has been submitted. The petitioner Krishna Kumar Modi is in custody since 22.12.2021 whereas the petitioner-Prasanna Kumar Parida is in custody since 23.12.2021.

Learned APP opposes the prayer for bail of the petitioners.

Having regard to the submissions made on behalf of the parties and considering the lack of cogent material against the petitioners coupled with the fact that charge sheet has been submitted and further considering the period of detention of the petitioners, the petitioners above named are directed to be released 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 learned Special Judge, Excise, Saran at Chapra in connection with Dighwara P.S. Case No. 391 of 2021 subject to the following conditions :

(i) The bail bonds of the petitioners will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioners.

(iii) The petitioners will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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