

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13635 of 2022

Arising Out of PS. Case No.-296 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

1. Dharamveer Kumar Son Of Bisheswer Ray R/O Village- Dihi Dashara Ward No.-06, P.S.- Mohanpur, District- Samastipur
2. Ratnesh Kumar Son Of Rajehwar Rai R/O - Afjalpur Pudhobhatti Ward No.-01, P.S.- Hajipur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Usha Kumari Singh

For the Opposite Party/s : Mr.Anant Kumar I

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-07-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within 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 Special Case No. 490 of 2021 arising out of
Kochadhaman P.S. Case No. 296 of 2021 registered for the
alleged offences under Sections 420, 272, 273 Indian Penal
Code and Section 30(a), 32(2)(3), 33, 41, 47 of Bihar
Prohibition and Excise Act.

The prosecution case is that the petitioners were



apprehended while fleeing away from a truck which was stopped for checking. From the truck about 1323 liters of India made foreign liquor was recovered.

The learned counsel for the petitioners submits that the petitioners are innocent persons. It is evident that the petitioner were not arrested from the spot and nothing has been recovered from their conscious possession. The petitioners have no concern with the alleged recovery or the truck and they are neither the owner nor the driver of the truck and they have falsely been implicated in this case. Charge-sheet has been submitted in the case. The petitioners are in custody since 30.10.2021.

Learned A.P.P. for the State has opposed the prayer of bail of the petitioners and submitted that huge quantity of illicit liquor was recovered from the truck from which the petitioners fled away.

Having regard to the submissions made hereinabove and considering the fact that the charge sheet has been submitted and further taking into account the period of custody, the petitioners above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of



learned Additional District and Sessions Judge-II-cum-Special Judge (Excise), Kishanganj in connection with Special Case No. 490/2021 arising out of Kochadhaman P.S. Case No. 296 of 2021, subject to the following conditions :

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

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

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

(Arun Kumar Jha, J)

ved/-

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