

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14309 of 2022

Arising Out of PS. Case No.-9 Year-2022 Thana- BARAULI District- Gopalganj

1. Rinku Son Of Vijyendra Singh Resident Of Village- Baiswal Kala, P.S.- Gohana, District- Sonipat, Hariyana
2. Joginder Son Of Surendra Singh Resident Of Village- Baiswal Kala, P.S.- Gohana, District- Sonipat, Hariyana

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-07-2022 Let the defects, if any, be removed within four weeks from today.

Heard Mr. Vijay Shankar Shrivastave, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered in connection with Barauli P.S.Case No. 09 of 2022 for the offences punishable under Sections 30(a) of the Bihar Prohibition & Excise Act 2018.

As per the prosecution case, it is alleged that while the police was on patrolling duty, on suspicion they intercepted an ambulance and on search being made



altogether 783 liters Indian made foreign liquor was recovered. It is alleged that the petitioners were arrested from the ambulance and they disclosed the name of owner of the ambulance.

It is submitted by the learned counsel for the petitioner that petitioner no. 1 is driver of the alleged ambulance and petitioner no. 2 was sitting behind the petitioner no. 1. It is submitted that petitioners have had no knowledge about the recovered liquor and moreover, the recovery has been made from the ambulance which does not belong to the petitioners and the owner of the ambulance has also been made accused. It is next submitted that petitioners are being driver and co-driver had no knowledge that what was loaded by the owner. It is also submitted that both the persons are in custody since 07.01.2022, though the investigation of the crime is already been completed and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioners and submits that from the materials available on the record, it is evident that petitioners were aware about the illicit liquor which



was kept in their ambulance.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioners are driver and co-driver of the ambulance and the ambulance belongs to one co-accused Sonu and this petitioners are in custody since 07.01.2022, though after completion of the investigation charge sheet has been submitted and as such keeping the petitioners behind the bar would serve no purpose, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Excise Court-I, Gopalganj in connection with Baraulli P. S. Case No. 09 of 2022 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, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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