

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14644 of 2022

Arising Out of PS. Case No.-6 Year-2022 Thana- AMBA District- Aurangabad

1. Dinesh Kumar, S/o Ram Lakhan Singh, R/o village- Parshurampur, P.S.- Kaler, District- Arwal (Bihar)
2. Satyendra Singh, S/o Rajnath Singh, R/o village- Parshurampur, P.S.- Kaler, District- Arwal (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Kumar Singh, Advocate
Mrs. Alka Singh, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-07-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Sumit Kumar Singh, learned counsel for the petitioners and learned APP for the State through video conferencing.

The petitioners seek regular bail, who are in custody in connection with Amba P.S. Case No. 06 of 2022 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, it is alleged that in a vehicle checking, the police intercepted the vehicles including one Tempo from which 112.400 litres of liquor was recovered. It is



further alleged that the petitioner no.1 is the driver of the Tempo and petitioner no.2 is a passenger of the said vehicle.

It is submitted by the learned counsel appearing on behalf of the petitioners that the petitioner no.1 happens to be the driver and petitioner no.2 is the passenger of the vehicle, in question, and they were not even aware as to what was loaded and carrying by the other passengers. It is further submitted that there is complete violation of the provisions as prescribed under Section 100 of the Code of Criminal Procedure while preparing the seizure list. It is next submitted that both these petitioners are in custody since 10.01.2022, though the investigation of the crime is already completed and the charge-sheet has been submitted. It is lastly submitted that petitioner no.2 has got fair antecedent whereas petitioner no.1 was found involved in one similar nature of cases.

On the other hand, learned APP for the State opposes the bail application and submits that recovery has been made from the Tempo in which both the petitioners were found present.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioners are the tempo driver and passenger and they are in



custody since 10.01.2022 and moreover the investigation of the crime is already completed and the charge-sheet has been submitted and as such keeping the petitioners behind the bar would serve no further purpose, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise 1st, Aurangabad in connection with Amba P.S. Case No. 06 of 2022 subject to the condition that one of the bailors will be the close relative 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.

(v) The court below shall verify the criminal antecedent of the petitioner no.1 and in case, at any stage, it is



found that the petitioner no.1 has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner no.1. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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