

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14515 of 2022

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

Samundra Kumar, Son of Sita Ram, Resident of Village - Rona, P.S.-
Kharkhoda, District - Sonipat (Haryana).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashish Kumar Ranjan, Advocate
For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-07-2022 Heard learned counsel for the petitioner 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 petitioner seeks bail in connection with Dighwara P.S. Case No. 391 of 2021 registered for the alleged offences under Sections 420, 120 (B) & 34 of the Indian Penal Code and Sections 30 (a), 32 (ii) (iii) & 41 (i) (ii) of the Bihar Prohibition and Excise 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 petitioner was stopped and checked and about 1718.700 litres of India made foreign liquor



was seized.

The learned counsel for the petitioner submits that the petitioner is merely a driver and has nothing to do with the liquor recovered. He is neither the owner of the truck nor the consignment belongs to him. Learned counsel further submits that other co-accused persons have been granted bail by this Court vide order dated 01.07.2022 passed in Cr. Misc. No.11569 of 2022 and other analogous cases. The petitioner is in custody since 18.12.2021 and the charge sheet has been submitted.

Learned APP opposes the prayer for bail made on behalf of the petitioner submitting that a huge quantity of liquor has been recovered from the possession of the petitioner, who was apprehended from the spot. The petitioner is having criminal antecedent.

Having regard to the submissions made hereinabove and considering the fact that charge sheet has been submitted and further considering his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Exclusive Special Judge, Excise Court, Saran, in connection with Dighwara P.S. Case No. 391 of 2021, subject to the



following conditions :

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

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

(iii) The petitioner 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 bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

