

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14475 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- FATUA District- Patna

1. MAHENDRA KUMAR S/o- Dasarath Das Resident of Mohalla - Bhulli A Block, Ambedkar Nagar, Rajganj, P.S. Town Dhanbad, District - Dhanbad (Jharkhand).
2. Sohan Ansari @ Md. Sohan Ansari S/o Mustakim Ansari Resident of Mohalla - Bhulli A Block, Ambedkar Nagar, Rajganj, P.S. Town Dhanbad, District - Dhanbad (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 15753 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- FATUA District- Patna

SANJEET CHAUDHARY S/O LATE SANDHESH CHAUDHARY R/o village- Jethule, P.S.- Nadi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 20502 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- FATUA District- Patna

DIPAK KUMAR S/o Himal Singh @ Himal Kumar Singh Resident of Village - Sahjanand Nagar Gamahariya Chandan Qayari, Barmasia, Police Station - Dhanbad, District - Dhanabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 21966 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- FATUA District- Patna



VINAY KUMAR S/o Jageswar Rai Resident of Village- Bankipur, Gorakh,
Police Station- Fatuha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 14475 of 2022)

For the Petitioner/s : Mr.Sudhir Kumar Sinha

For the Opposite Party/s : Mr.Parmanand Kumar

(In CRIMINAL MISCELLANEOUS No. 15753 of 2022)

For the Petitioner/s : Mr.Jay Ram Prasad

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

(In CRIMINAL MISCELLANEOUS No. 20502 of 2022)

For the Petitioner/s : Mr.Jay Ram Prasad

For the Opposite Party/s : Mr.Nand Kumar

(In CRIMINAL MISCELLANEOUS No. 21966 of 2022)

For the Petitioner/s : Mr.Jay Ram Prasad

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioners and
learned A.P.P. for the State in virtual court proceeding.

The petitioners seek bail in connection with Fatuha
P.S. Case No. 31 of 2022 registered for the offences punishable
under Sections 30(a), 56(c) of Bihar Prohibition and
(Amendment) Excise Act, 2018.

As per prosecution case, there is alleged recovery
of altogether 2301.12 litre illicit foreign liquor from four
vehicles in question and petitioners were apprehended by the
police on spot.



Learned counsel appearing for the petitioners Mahendra Kumar and Sohan Ansari @ Md. Sohan Ansari submits that petitioners are in custody since 11.01.2022, as mentioned in the impugned order and bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioners are driver and khalasi of the vehicle in question and they have no concern with the illegal trade of illicit liquor.

Learned counsel appearing for the petitioner Sanjeet Chaudhary submits that petitioner is in custody since 11.01.2022 and bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is driver of scorio in question and he has no concern with the recovered illegal wine.

Learned counsel for the petitioner Dipak Kumar submits that petitioner is in custody since 11.01.2022 and bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is driver of Alto car in question and he has no concern with the recovered



illegal wine.

Learned counsel appearing for the petitioner Vinay Kumar submits that petitioner is in custody since 11.01.2022 and bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner has no concern with the recovered illegal wine and he has been falsely implicated in this case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioners, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna City, Patna/concerned court in connection with Fatuha P.S. Case No. 31 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn
the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will
remain present on all dates and absence for two consecutive
dates without appropriate permission, would be a ground for
cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or
the witnesses, in that case, the prosecution will be at liberty to
move for cancellation of bail.

(Alok Kumar Pandey, J)

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