

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18913 of 2022

Arising Out of PS. Case No.-179 Year-2021 Thana- AMBA District- Aurangabad

1. Sugriv Pandey, Son of Joginder Pandey, R/O Village- Basdohar, P.S.-
Lehilganj, District- Palamu, Jharkhand
2. Prakash Singh, Son of Raj Kumar Singh, R/O Village- Tandwa, P.S.-
Tarhasi, District- Palamu, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 18-08-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Jitendra Kumar Giri, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Amba P.S. Case No. 179 of 2021 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

As per the prosecution case, it is alleged that in course of vehicle checking, a Bus bearing registration no. JH 03V 0086



was intercepted. On search 300 litres of liquor was recovered from the roof of the vehicle. It is further alleged that both the petitioners were arrested at the spot.

Learned counsel appearing on behalf of the petitioners submits that the petitioner no.1 happens to be the conductor whereas petitioner no.2 is the cleaner of the Bus and in fact the Bus, in question, ply for carrying passengers and on the alleged date of occurrence several passengers were moving from the said vehicle and the alleged recovered foreign liquor was kept by some of the passengers and the petitioners have nothing to do with the alleged recovered illicit liquor. It is next submitted that the petitioners being the conductor and the cleaner were not even aware as to what was being loaded or carried by the passengers of the Bus. It is lastly submitted that the petitioners are in custody since 30.10.2021, having fair antecedent and moreover after completion of investigation charge-sheet has been submitted.

On the other hand, learned counsel for the State opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioners are the conductor and cleaner of the Bus, which runs for carrying



passengers and they were even not aware as to what was being loaded and carried by the passengers and the petitioners are in custody since 30.10.2021, having fair antecedent, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each 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. 179 of 2021, subject to the condition that one of the bailors will be the local residents with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain physically 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.

(Harish Kumar, J)

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