

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20286 of 2022

Arising Out of PS. Case No.-248 Year-2021 Thana- RAJAOLI District- Nawada

1. Ranjeet Yadav, Son of Sarju Yadav, Resident of Village - Kumharua, P.S.- Rajauli, Distt.- Nawada.
2. Bipin Kumar, Son of Indradeo Yadav Resident of Village - Kumharua, P.S.- Rajauli, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-07-2022 Heard learned counsel for the petitioners 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 petitioners seek bail in connection with Rajauli P.S. Case No. 248 of 2021 registered for the alleged offences under Section 414 of the Indian Penal Code and Section 30(a)/(d) of the Bihar Prohibition and Excise Act.

Allegedly, 309 litres of India made foreign liquor was recovered from a vehicle after interception. Co-accused driver



fled away from the vehicle. Later on, police secretly gathered information that petitioners and other co-accused persons also fled away from the vehicle who were bringing illicit foreign liquor and were supplying it around Rajauli.

The learned counsel for the petitioners submits that the petitioners were not arrested from the spot and no recovery of any incriminating material has been made from them. The recovery of 309 litres of liquor has been shown from the vehicle, but the petitioners are neither the owner nor the driver of the said vehicle. Even the manner in which petitioners have been named in the FIR is very doubtful as is said that the police gathered information about the petitioners in secret manner which does not prove anything. Charge-sheet has been submitted in this case and the petitioners are in custody since 27.10.2021. However, similarly placed co-accused Balmukund Kumar and Vikash Yadav have been granted regular bail vide order dated 09.03.2022 passed in Cr. Misc. No. 9010 of 2022 by a co-ordinate Bench of this Court.

Learned APP opposes the prayer for bail submitting that the petitioners are having criminal antecedents.

Having regard to the submissions made hereinabove and considering the fact that petitioners have not



been arrested from the spot and nothing incriminating has been recovered from their possession and there is nothing on record to connect the petitioner with the alleged recovery and further considering the fact that co-accused persons have been granted bail by a Co-ordinate Bench and the charge-sheet has been submitted and petitioners are in custody since 27.10.2021, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.II, Nawada in connection with Rajauli P.S. Case No. 248 of 2021, subject to the following conditions :

- (i) The bail bond of the petitioners will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioners.
- (iii) The petitioners 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 bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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