

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22065 of 2022

Arising Out of PS. Case No.-366 Year-2021 Thana- VAISHALI District- Vaishali

Deelip Singh, Son of Amir Singh, Resident of Village - Karneji, P.S. Vaishali
(Belsar O.P.), District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 22276 of 2022

Arising Out of PS. Case No.-366 Year-2021 Thana- VAISHALI District- Vaishali

Ajay Kumar, son of Nagendra Ray, Resident of Village - Karneji, Police
Station - Vaishali (Belsar O.P.), District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 22065 of 2022)

For the Petitioner/s : Mr.Anshu Dhar Sharma, Advocate

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

(In CRIMINAL MISCELLANEOUS No. 22276 of 2022)

For the Petitioner/s : Mr.Ranjit Kumar Thakur, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-08-2022 Since both the applications arise out of Vaishali

(Belsar O.P.) P.S. Case No. 366 of 2021, as such, they have been

heard together and are being disposed of by this common order.

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 Vaishali (Belsar O.P.) P.S. Case No. 366 of 2021 registered for the alleged offences under Sections 272, 273 and 414 of the Indian Penal Code and Sections 30(a), 42(ii), 32(ii), 34(ii), 38(ii) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, police received secret information about petitioner and other co-accused persons bringing a truck loaded with India made foreign liquor for distribution. A raid was conducted and a truck and other vehicles were seized. About 3723 litres of India made foreign liquor was recovered from those vehicles. The petitioners and other co-accused persons are stated to have fled away from the spot.

It has been submitted on behalf of the petitioners that they are innocent and have no concern with the recovery made in this case. The vehicles seized do not belong to the petitioners and they are not the owners or the drivers of the said vehicles. Petitioners have not been apprehended from the spot and nothing incriminating has been recovered from their conscious



possession. Petitioner, Deelip Singh is in custody since 08.02.2022 and petitioner Ajay Kumar is in custody since 31.03.2022. Both the petitioners are having one criminal case against them and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the petitioners were not apprehended from the spot and nothing incriminating has been recovered from their possession and considering the submission of charge-sheet and the period of the custody of the petitioners, they 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 Special Excise, Court No. 2, Vaishali, in connection with Vaishali (Belsar O.P.) P.S. Case No. 366 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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 the person, who has



sworn the affidavit in this case.

(iii) The petitioners will remain present on each and every date fixed by the court below.

(iv) In case of absence on 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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