

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22033 of 2022

Arising Out of PS. Case No.-89 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

1. Mukesh Kumar Singh, S/o Nandkishore Singh, Resident of Village- Rampur Khajuriya, P.s.- Dumariyaghat, District- East Champaran
2. Mintu Singh, S/o Dharmnath Singh, Resident of Village- Rampur Khajuriya, P.S.- Dumariyaghat, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-08-2022 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 Kuchaikote P.S. Case No. 89 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, during checking of vehicles, the car of the petitioners was stopped and checked. About 103.230 litres of India made foreign liquor was recovered from



the car. The petitioner no.1 is stated to be the driver and the petitioner no.2 was the co-passenger in the said car and both were apprehended while trying to flee away from the spot.

The learned counsel for the petitioners submits that the petitioners are innocent and they were merely passersby who were apprehended by the police on suspicion. Nothing incriminating has been recovered from their conscious or constructive possession. Moreover, the seizure has been made in violation of the provisions of Section 100(4) (6) of the Cr.P.C. and there was no independent witness. The petitioners are not the owners and they have nothing to do with the recovery of illicit liquor. Charge-sheet has been submitted in this case and the petitioners are in custody since 06.03.2022 and are having clean antecedent.

Learned APP opposes the prayer for bail submitting that from the vehicle of the petitioners, 103.230 litres of illicit liquor was recovered.

Having regard to the submissions made hereinabove and considering the fact that the charge-sheet has been submitted in this case and further considering the period of custody of the petitioners, who are having clean antecedent, 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 4th Additional Sessions Judge-cum-Special Judge Excise Act, Gopalganj, in connection with Kuchaikote P.S. Case No. 89 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be Shiv Kumar Singh @ Birendra Singh, uncle of the petitioner no.1, who has sworn the affidavit in the case.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) 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)

balmukund/-

U		T	
---	--	---	--

