

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22217 of 2022

Arising Out of PS. Case No.-185 Year-2021 Thana- SANDESH District- Bhojpur

VIKASH KUMAR S/O TUNTUN PRASAD R/o village- Shanawazpur, P.S.-
Tariya, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 23927 of 2022

Arising Out of PS. Case No.-185 Year-2021 Thana- SANDESH District- Bhojpur

HAJARI LAL @ MANGAL RAY S/o Bharat @ Bharat Ray R/o village-
Agauthar Nanda, P.S.- Isuapur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 22217 of 2022)

For the Petitioner/s : Mr.Dewendra Narayan Singh

For the Opposite Party/s : Ms.Veena Kumari Jaiswal

(In CRIMINAL MISCELLANEOUS No. 23927 of 2022)

For the Petitioner/s : Mr.Vishesh Kumar Singh

For the Opposite Party/s : Ms.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-08-2022 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.

The petitioners seek bail in connection with Sandesh
P.S. Case No. 185/2021 registered for the offences punishable
under Sections 472, 473, 471, 468, 467, 420, 120(B) of the Indian
Penal Code and Sections 30(a) & 32 (c) of the Bihar Prohibition



and Excise Act, 2018.

As per prosecution case, there is alleged recovery of total 1760 liters spirit from Tata 407 truck in question. Petitioners were not apprehended on the spot. Apprehended co-accused, Vicky Kumar disclosed the name of the petitioners and other who were involved in the illegal trade of wine.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. The petitioners were not apprehended on the spot and no incriminating articles has been recovered from the possession of the petitioners. The petitioner, Vikash Kumar is languishing in custody since 08.03.2022 and bears no criminal antecedent. The petitioner, Hajari Lal @ Mangal Ray is languishing in custody since 04.03.2022 and bears no criminal antecedent. He further submits that petitioners are neither owner of the said vehicle in question nor concerned with alleged seized liquor. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, petitioners were not apprehended on the spot, charge sheet has already been submitted in this case and there is no



likelihood of tampering with the prosecution evidence and keeping in view clean antecedent of petitioners and also taking into consideration the material available on record, let the petitioners above named 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 4th A.D.J, Bhojpur at Ara in connection with Sandesh P.S. Case No. 185/2021, 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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