

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24135 of 2022

Arising Out of PS. Case No.-252 Year-2021 Thana- DURGAWATI District- Kaimur (Bhabua)

1. Vikash S/o Ranveer Singh Resident of Sakin - Kabir Basti, Bahadurgarh, District - Jhajjar (Haryana).
2. Pradeep @ Lala Mistri S/o Dharampal @ Manga Ram Resident of Sakin - Dulera, P.S.- Badli, District - Jhajjar (Haryana).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-07-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with
Durgawati P.S. Case No. 252 of 2021 registered for the offence
under Sections 30(a) and 41(i) of Bihar Prohibition and Excise
(Amendment) Act, 2018.

The accused/petitioners are named in the F.I.R. and
are in custody since 17.11.2021.

The allegation against the petitioners is to have in
possession of 162 liters of English wine, which was recovered



from a car bearing Registration no. DL 3C AL 3792.

Learned counsel appearing on behalf of the petitioners submitted that petitioner no.1 is the driver and petitioner no.2 is the co-driver of the alleged vehicle and nothing surfaced during the course of investigation, which may suggest that petitioners are aware of the illegal consignment of illicit liquor loaded in the vehicle. It is submitted that recovery of illicit liquor is not from the conscious physical possession of the petitioners. While concluding the argument, it is submitted that petitioners are persons of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that petitioners are the driver and co-driver of the vehicle.

Considering the facts and circumstances as mentioned above, as recovery cannot be said from the conscious physical possession of the petitioners, who are the persons of clean antecedent coupled with the fact that chargesheet has already been submitted, let the petitioners, above named, are directed to be released on bail in connection with Durgawati P.S. Case No. 252 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees



Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise)-cum-Additional District and Sessions Judge-II, Kaimur at Bhabhua/concerned Court, subject to the following conditions:

“(i) Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioners, duly supported by the documents.

(ii) That one of the bailors shall be Vishal, who is the own younger brother of petitioner no.1 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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