

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23995 of 2022

Arising Out of PS. Case No.-99 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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1. Satendra Kumar Sharma, S/o Late Rambriksh Thakur, R/o village- Narayanpur, P.S.- Mahua, District- Vaishali
 2. Indresh Kumar S/O Sri Sunil Singh, R/o village- Dayalpur Sindhauli, P.S.- Rajapakar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Bela Singh, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-07-2022 Heard learned counsel for the petitioners and

learned APP for the State.

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 Excise C2A Case No. 99 of 2022, arising out of P.R. No. 14 dated 17.03.2022, registered for the alleged offences under Sections 30(a), 32(1), 32(3), 41(1), 41(2) and 47 of Bihar Prohibition and Excise Act.

As per the prosecution case, the officials of Excise Department conducted a raid in a mango orchard on receiving secret information about the fact that a large consignment of illicit foreign liquor was about to be supplied to different places



by small vehicles. From the vehicle parked there, 1504.120 liters of foreign liquor was recovered. 7-8 persons, who were standing near the vehicle, started running away on seeing the police party and two of them were apprehended and rest escaped from there. The apprehended persons are the petitioners herein.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case and they have no connection with the alleged place of recovery or the allegedly seized liquor or the vehicle. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioner no.1 is a farmer and the petitioner no. 2 is a labourer working in the agricultural field. Both of them have been apprehended in this case merely on suspicion. The charge sheet has been submitted in this case and the petitioners are in custody since 18.03.2022 and are having clean antecedent.

Learned APP opposes the prayer for bail submitting that huge quantity of liquor has been recovered from the possession of the petitioners.

Having regard to the submissions made hereinabove and considering the fact that the charge sheet has been submitted in this case and the petitioners are in custody



since 18.03.2022 and are having clean antecedent, they are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-Iind-cum-Special Judge, Vaishali at Hajipur in connection with Vaishali Excise C2A Case No. 99 of 2022, arising out of P.R. No. 14 dated 17.03.2022, subject to the following conditions :

(i) One of the bailors will be a close relative of the petitioners.

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

(iii) The petitioners will not commit similar type of offences in future.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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