

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25481 of 2022

Arising Out of PS. Case No.-452 Year-2021 Thana- UDWANTNAGAR District- Bhojpur

1. Sankar Lal S/o Chhaju Ram R/o village- Dhani Khusal Bawani Khera, P.S.- Bhiwani, District- Bhiwani (Haryana)
2. Sonu Kumar S/o Hanuman R/o village- 35, Dharnia Baropal 46, P.S.- Fatehabad, District- Fatehabad (Haryana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-07-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Shayam Kumar, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Udwant Nagar P. S. Case No. 452 of 2021 registered for the offences punishable under Sections 472, 473, 420, 467, 468, 471, 120 (B) of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise



(Amendment) Act, 2018.

As per the prosecution case, it is alleged that the Police while doing vehicle checking on suspicion apprehended a truck and both the petitioners were found sitting therein. On search being made 3015 litres Indian Made foreign liquor of different brands was recovered.

Learned counsel appearing on behalf of the petitioners submitted that petitioner no. 1 and 2 are said to be driver and cleaner of the truck in question and it is further submitted that the truck runs for transportation of goods and they were not even aware as to what was loaded by the consigner/owner in the cartoons. It is further alleged that the petitioners are neither owner nor transporter/consigner and moreover, they are ready to give undertaking that they will fully cooperate in the trial till its conclusion. It is further alleged that the petitioners are in custody since 20.10.2021, having fair antecedent.

On the other hand, learned APP for the State opposes the bail application and submits that huge consignment of illicit foreign liquor was recovered from the truck wherein the petitioners were sitting.

Having considered the submissions made on behalf



of the parties and taking into account the fact that the petitioners are neither owner nor transporter/consigner of the said truck and they have no concern with the said truck and the alleged recovered illicit wine and moreover, they are in custody since 20.10.2021, having fair antecedent, 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 Excise Court 2-cum-Additional District & Sessions Judge XI, Bhojpur at Ara in connection with Udwant Nagar P. S. Case No. 452 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will



liable to be cancelled.

(Harish Kumar, J)

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