

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25620 of 2022

Arising Out of PS. Case No.-97 Year-2022 Thana- SARAI District- Vaishali

Ritesh Kumar, Son Of Vijay Ratan Kumar Singh, R/O Village- Mahua Singh Rai, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 26065 of 2022

Arising Out of PS. Case No.-97 Year-2022 Thana- SARAI District- Vaishali

Md. Sahanbaj @ Md. Shahanwaj @ Gulab, Son Of Md. Sahbuddin ,R/O Village- Simarwara Lemudi, P.S.- Patepur, District- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 26400 of 2022

Arising Out of PS. Case No.-97 Year-2022 Thana- SARAI District- Vaishali

Dharmendra Kumar, Son Of Jawahar Singh, R/O Village- Mahua Singh Rai, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 25620 of 2022)
For the Petitioner/s : Mr.Nityanand, Advocate
For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP
(In CRIMINAL MISCELLANEOUS No. 26065 of 2022)
For the Petitioner/s : Mr.Anshul, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP
(In CRIMINAL MISCELLANEOUS No. 26400 of 2022)
For the Petitioner/s : Mr.Nityanand, Advocate
For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA



ORAL ORDER

3 21-10-2022 Since all the applications arise out of Sarai P.S. Case No. 97 of 2022, as such, they have been taken up together and are being disposed of by this common order.

Heard learned counsels for the petitioners and learned APPs for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks.

In the present case, the petitioners seek bail in connection with Sarai P.S. Case No. 97 of 2022, registered for the alleged offence under Sections 420, 467, 468, 471, 120 (B) of the Indian Penal Code and Sections 30 (a), 32 , 36 and 41 (i) (ii) of the Bihar Prohibition and Excise Act.

As per prosecution case, police received secret information about a Bolero vehicle and a container truck carrying consignment of illicit liquor and at an identified place, the vehicles were intercepted and the persons sitting in the vehicles were apprehended when the illicit liquor was found in the vehicles. From the Bolero vehicle, 190.08 litre of Indian made foreign liquor was recovered, whereas from the container truck, 2401.92 litre of Indian made foreign liquor was recovered. The petitioners Ritesh Kumar and Md. Sahanbaj @ Md. Shahanwaj were apprehended from the Bolero vehicle and



the petitioner Dharmendra Kumar was apprehended from the container truck along with co-accused Haider Ali.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. They have nothing to do with the seized liquor or the vehicles in question. It has been submitted on behalf of the petitioners Md. Shahanwaj and Dharmendra Kumar that vehicles do not belong to them. The petitioners are in custody since 03.04.2022 and are having clean antecedents. The charge sheet has been submitted in this case.

The learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and considering the fact that the petitioners are having clean antecedent and further considering their period of custody and submission of charge-sheet against them, they 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 Exclusive Prohibition and Excise Court-2-cum-Additional District and Sessions Judge, Hajipur, Vaishali in connection with Sarai P.S. Case No. 97 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 a close relative of the petitioners.
- (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 bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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