

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26662 of 2022

Arising Out of PS. Case No.-52 Year-2022 Thana- MANIYARI District- Muzaffarpur

1. Shiv Shankar, S/o Ram Kishun, R/o Baadalpur Kahli, P.S. -Mauaima, Dist.-Allahabad, State- Uttar Pradesh.
2. Lal Chandra, S/o Ram Aassre, R/o Navrahia Karenti, P.S. - Kokhraj, Dist.-Kausambi, State- Uttar Pradesh.
3. Raju, S/o Shobram @ Subran, R/o Baadalpur Kahli, P.S. -Mauaima, Dist.-Allahabad, State- Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Advocate
For the Opposite Party/s : Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-08-2022 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 Maniyari P.S. Case No. 52 of 2022 registered for the alleged offences under Sections 420, 467, 468, 471, 120B and 34 of the Indian Penal Code and Sections 30(a), 36 and 41(1) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, the petitioners were



apprehended from a truck which was intercepted on receipt of secret information that it was carrying illicit liquor. On search of this vehicle, total 1916. 250 litres of India made foreign liquor was recovered. The petitioner no. 1 is stated to be driver-cum-owner and petitioner no. 2 is the cleaner of the truck. Petitioner no.3 is a co-passenger.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The recovery has not been made following the provisions of Section 100 of the Cr.P.C. and nothing incriminating has been recovered from their conscious possession. Charge-sheet has been submitted in this case and the petitioners are in custody since 15.02.2022. The petitioners are having clean antecedent.

Learned APP opposes the prayer for bail submitting that the recovery of almost 2000 litres of illicit liquor has been made from the truck and all the petitioners were apprehended from the said truck.

Having regard to the submissions made hereinabove and considering the clean antecedent of the petitioners along with the submission of charge-sheet in this case, the petitioners above named 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 Court of Special Judge Excise, Court No.-II, Muzaffarpur, in connection with Maniyari P.S. Case No. 52 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 the person, who has sworn the affidavit in the case.

(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 bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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