

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27157 of 2022

Arising Out of PS. Case No.-5 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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1. Dharamraj Dhankhar S/O Jai Bhagwan Dhankhar
 2. Shahil S/o Ramesh Jat
 3. Hardeep Singh S/o Ravindra Singh
- All are R/o village- Humayunpur, P.S.- IMT, Rohtak, District- Rohtak (Haryana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey, Advocate
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioners and the learned APP for the State through virtual mode in view of COVID-19.

Let the defect(s) be removed within four weeks of the complete start of the physical Court in normal course.

The petitioners are in judicial custody in connection with Excise Complaint Case No.05/2022 instituted under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

As per the FIR, on 07.04.2022 Excise A.S.I, Gopalganj and other Police force was checking vehicle at Balthari Check Post. During the course of checking at 11:40 o'clock, he saw one Maruti Suzuki Swift Dezire Car coming.



Three persons were sitting in the car. It was intercepted and on search, altogether 156.750 liter country made foreign liquor were recovered from dickey of the seized car and three persons were arrested from the spot. On interrogation, apprehended persons disclosed their names as Dharamraj Dhankhar, Shahid and Hardeep Singh. They further disclosed that they were transporting the wine from Haryana to Patna.

Learned counsel for the petitioners submit that they are driver and the passenger who had no knowledge of the presence of the alleged cartoons in the dickey carrying 156.750 liters. He further submits that at the check post the police stopped the car and asked for the papers. They showed the papers but since they failed to oblige the demand of the police, a false case was instituted against them showing recovery/seizure of the aforesaid cartoon which led to their judicial custody since 08.04.2022 (as stated in para-10 of the bail application). He further submits that none of the three petitioners have criminal antecedents and given a chance they would definitely try to reform themselves. He lastly submits that petitioner no.1 is an old man of 63 years.

Considering the fact that charge sheet stands submitted, the petitioners are in custody since 08.04.2022 and



none of them are having criminal antecedent, this Court is inclined to grant them privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Excise Complaint Case No.05/2022 to the satisfaction of learned Additional District & Sessions Judge,II-cum-Special Judge, Excise, Gopalganj, subject to following conditions:

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of their bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark their presence;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is



allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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