

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30757 of 2022

Arising Out of PS. Case No.-750 Year-2020 Thana- KANTI District- Muzaffarpur

Vinod @ Vinod Kumar Kali @ Vinod Kali @ Vinod Kali Rakhna, S/o Deewan
@ Deewan Singh, R/o House No. 1766, Dinod, P.S.- Sadar Bhiwani, District-
Bhiwani (Haryana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Jha, Advocate

For the Opposite Party/s : Mr.Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Kanti P.S. Case No. 750 of 2020 registered for
the alleged offences under Sections 420, 467, 468, 471, 34 of
the Indian Penal Code and Section 30 (a) of the Bihar
Prohibition and Excise Act.

As per the prosecution case, the police started
checking of vehicles on receiving secret information that a huge
quantity of illicit India made foreign liquor concealed in paddy



husk on a truck was being taken towards Darbhanga. The truck was intercepted. During search, two co-accused persons were arrested, who named this petitioner who has supplied the liquor to them. Recovery of 2516.400 litres of India made foreign liquor was made from the truck.

The learned counsel for the petitioner submits that the co-accused named one Vinod Kali Rakhna without any parentage, but it is not clear how the petitioner was named for his involvement in the case by the police. The mobile number said to be belonging to this petitioner is not the mobile number of this petitioner and even the truck from which the recovery has been made does not belong to the petitioner. The co-accused persons, who have been apprehended from the spot, have been granted bail by a Coordinate Bench of this Court vide order dated 14.0.2022 passed in Cr. Misc. No. 41300 of 2021 and order dated 28.02.2022 passed in Cr. Misc. No.41877 of 2021, respectively. The petitioner is in custody since 05.03.2022 and the charge sheet has been submitted in this case.

Learned A.P.P. opposes the prayer for bail submitting that the huge quantity of liquor was recovered from the truck and the arrested co-accused persons specifically named this petitioner along with some other accused persons who have



been supplying the illicit liquor in Bihar. The petitioner is a habitual offender and is accused in two such cases.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not arrested from the spot and nothing incriminating has been recovered from his person or possession and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. 2, Muzaffarpur in connection with Kanti P.S. Case No. 750 of 2020, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive



dates or in violation of the terms of the bail,
the bail bond of the petitioner will be liable
to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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