

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30136 of 2022

Arising Out of PS. Case No.-68 Year-2022 Thana- MOHAMMADPUR District- Gopalganj

1. Indrapal, Son of Late Sumit Pal, R/O- Village- Dhakatal, P.S.- Bakewar, Dist.- Etawah, State- Uttar Pradesh
2. Rohit, Son of Shyam Singh, R/O- Village- Purawali, P.S.- Bakewar, Dist.- Etawah, State- Uttar Pradesh
3. Vijay Singh, Son of Mauji Lal, R/O- Village- Khaanl, P.S.- Bakewar, Dist.- Etawah, State- Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baijnath Sah, Advocate

For the Opposite Party/s : Mr. Arbind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Baijnath Sah, learned counsel for the petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Mohammadpur P.S. Case No. 68 of 2022 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, it is alleged that in course of vehicle checking, the police intercepted a Tempo and on search being made 68.94 litres of various brands of illicit foreign liquor



was recovered. It is further alleged that the petitioners were arrested from the said Tempo.

It is submitted by the learned counsel appearing on behalf of the petitioners that the petitioners happens to be the driver and passengers of the Tempo were not even aware as to what was being loaded by other co-passengers, as noticing of police party some of the passengers, who were carrying the alleged illicit liquor, succeeded to flee away and the petitioners being unaware of the fact apprehended by the police. It is further submitted that the petitioners are neither the owner of the vehicle nor have any concern with the illicit liquor. It is lastly submitted that this petitioners are in custody since 06.04.2022 having fair antecedent and moreover the investigation of the crime is already completed and charge-sheet has been submitted.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioners were arrested at the spot.

Having considered the submissions made on behalf of the parties and considering the fact that the petitioners were the driver and passengers of the Tempo, which runs on fare/rent for the purposes of carrying passengers and moreover the petitioners are in custody since 06.04.2022, having fair



antecedent and the investigation of the crime is already completed and charge-sheet has been submitted, let the petitioners, named above, 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 Additional Sessions Judge-II-cum Special Excise Judge Court No.1, Gopalganj in connection with Mohammadpur P.S. Case No. 68 of 2022, subject to the condition that one of the bailors will be the local residents with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain physically 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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