

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29736 of 2022

Arising Out of PS. Case No.-57 Year-2022 Thana- NAUBATPUR District- Patna

1. TEJ KUMAR S/o Ram Pravesh Rai R/o village- Bhusaula Danapur (Pokharpar), P.S.- Phulwarisharif, District- Patna
2. Dheeraj Kumar S/o Umesh Rai R/o village- Bhusaula Danapur (Pokharpar), P.S.- Phulwarisharif, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 29873 of 2022

Arising Out of PS. Case No.-57 Year-2022 Thana- NAUBATPUR District- Patna

ROCKY KUMAR S/o Kamlesh Thakur Resident of Village- Amarpur @ Aropura, P.S.- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 29736 of 2022)

For the Petitioner/s : Mr.Nawal Kishore Prasad, Advocate

For the State : Mr.Pradeep Narain Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 29873 of 2022)

For the Petitioner/s : Mr.Nawal Kishore Prasad, Advocate

For the State : Ms.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-08-2022 Since both the applications arise out of Naubatpur P.S. Case No. 57 of 2022 as such, they have been heard together and are being disposed of by this common order.

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 Naubatpur P.S. Case No. 57 of 2022 registered for the alleged offences under Sections 30(a) and 41 of the Bihar Prohibition and Excise Act.

As per prosecution case, the police received secret information about smugglers bringing illicit country made liquor on a motorcycle and tempo and the vehicles were intercepted and the petitioners along with the co-accused persons were apprehended and from these two vehicles 115 liters of country made *mahua* liquor was recovered. The petitioner Tej Kumar is stated the driver of the tempo and other two petitioners were co-passengers on the tempo.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. As it is clear from the FIR itself, the petitioner Tej Kumar is the driver and other two petitioners were merely co-passengers and none of them had any knowledge about the liquor kept in the tempo. The petitioners are neither the sellers nor the purchasers of recovered liquor and have got no concern



with the same. There has been no recovery from the conscious possession of these petitioners. Charge sheet has been submitted in this case and the petitioners are in custody since 30.01.2022. The petitioner Tej Kumar is having a criminal case against him but other two petitioners are having clean antecedent.

Learned APP opposes the prayer for bail of the petitioners submitting that the petitioners were apprehended from the spot and the recovery of illicit country made liquor was made from the vehicles in which they were traveling.

Having regard to the submission made hereinabove and considering the submission of charge sheet as well as period of custody of the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Danapur (Patna) in connection with Naubatpur P.S. Case No. 57 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.

The petitioner Tej Kumar, his bail bond will be accepted after framing of charge.

(Arun Kumar Jha, J)

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