

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44178 of 2021

Arising Out of PS. Case No.-36 Year-2021 Thana- DANDARI District- Begusarai

1. ANSHU KUMAR Son of Arvind Paswan Resident of Village - Lohiyanagar Ward No.28, P.S.- Nagar, Distt.- Begusarai.
2. ANKIT KUMAR @ SONU @ SONU SAHNI @ SONU KUMAR SAHNI Son of Sanjeet Sahni Resident of Village - Neemchandpura, P.S.- Neemchandpura, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rupesh Kumar, Advocate

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 02-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the petitioners and learned A.P.P. for the State.

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

The petitioners, who are in custody since 20.04.2021, seeks regular bail in connection with Dandari P.S. Case No. 36 of 2021, for the offence punishable under Sections 414, 120(B)/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in brief, is that on 19.04.2021, the informant received secret information that petitioners



came at Mohabba Chowk along with red coloured Honda car bearing registration No. DL-2CAJ-2326 carrying illicit liquor and they hand it over to Ranjit Kumar. On search, altogether 115.5 litres Indian Made Foreign Liquor were recovered from the vehicle bearing registration No. BR-09AG-9846, 13.5 litres of Indian Made Foreign Liquor recovered from Ranjit Kumar and 24 litres of Indian Made Foreign Liquor recovered from motorcycle bearing registration No. BR-09AG-5696, which was seized from Manish Kumar Gandhi and Pappu Kumar.

Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and they have falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He further submits that the petitioners have criminal antecedent and their complicity in the trade of liquor is confirmed because, they were apprehended along with huge quantity of liquor.

Considering the aforementioned facts and circumstances of the case, the Court below is directed to obtain report from the District Transport Officer, Begusarai in



respect of Honda Car bearing registration No. DL-2CAJ-2326 as well as motorcycle bearing registration No. BR-09AG-9846 and if it is found that the aforesaid vehicles are neither registered in the name of the present petitioners nor the said vehicles are stolen one and the report confirms the fact that the said vehicles are not stolen one nor the same belong to the petitioners, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs. 1,00,000/- (Rs. One Lakh) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai in connection with Dandari P.S. Case No. 36 of 2021 (G.R. No. 537 of 2021), subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.



(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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