

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35813 of 2022

Arising Out of PS. Case No.-90 Year-2022 Thana- SANDESH District- Bhojpur

1. Uttam Kumar, Son of Subodh Prasad, Resident of village- Ratu, P.S.- Ratu, Dist.- Ranchi.
2. Manoj Kumar, Son of Late Ramanuj Singh, Resident of village- Dhanuki, PS- Panapur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Namrata Mishra, Advocate
		Mrs. Archana Jha, Advocate
For the Opposite Party/s	:	Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-08-2022 Today this case has been listed on priority basis, on the motion slip filed by the learned counsel for the petitioners.

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 Mrs. Namrata Mishra, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Sandesh P.S. Case No. 90 of 2022 registered for the offences punishable under Sections 471, 472, 473, 467, 468, 420, 120(B) of the Indian Penal Code and Sections 30(a),



32(c) and 31 of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, it is alleged that while the police personnel were on patrolling duty, they apprehended a TATA LPT 407, which was standing near Thana area. On search 739.245 litres of Indian made foreign liquor was recovered. The driver of the said vehicle was also apprehended and he disclosed the name of several persons, including the petitioners.

It is submitted by the learned counsel appearing on behalf of the petitioners that admittedly the petitioners were neither arrested at the place of occurrence nor any incriminating material has been recovered from their conscious and constructive possession. It is next submitted that neither the vehicle nor the illicit recovered liquor belongs to the petitioners and save and except the disclosure made by the driver, there is no other material, which suggests the complicity of the petitioners. It is next submitted that the seized truck stands in the name of wife of petitioner no.1, but the same runs on fare/rent by the transporter and in fact they were not even aware as to what was being loaded by the consigner. It is lastly submitted that the petitioners are in custody since 04.05.2022 having fair antecedent and moreover they are ready to give undertaking that they will cooperate in the trial.



On the other hand, learned APP for the State opposes the bail application and submits that the driver of the vehicle, who was apprehended at the place of occurrence, disclosed that it is the petitioners, who had loaded the illicit liquor in the truck and they have involved in the trade of illicit liquor.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioners were neither arrested at the spot nor any incriminating material has been recovered, save and except the disclosure made by the driver of the truck, there is no other material against the petitioners and they are in custody since 04.05.2022 having clean antecedents, 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-XI-cum-Exclusive Special Excise Court, Bhojpur, Ara in connection with Sandesh P.S. Case No. 90 of 2022, subject to the condition that one of the bailors will be the local residents of the petitioners with further conditions which are as follows:-

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

(ii) They will remain 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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