

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36659 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- BIKRAM District- Patna

1. SINDER SINGH @ HARI SINGH @ SONU S/o Tajinder Singh @ Balinder Singh R/o- Tej Colony, House No. 239, Ward No. 4, P.S.- Samana, Dist.- Patiyala, Punjab.
2. Maninder Singh S/o Sarvajeet Singh R/o- Tej Colony, House No. 239, Ward No. 4, P.S.- Samana, Dist.- Patiyala, Punjab.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey
For the Opposite Party/s : Mr.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-09-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual mode.

The petitioners seek bail in connection with Bikram P.S. Case No. 15 of 2022, Special Excise Case No. 54 of 2022 registered for the offences punishable under Sections 414, 420, 467, 468, 471, 34 of the Indian Penal Code read with Sections 30(a), 32(2)(3), 36, 41(1)(2) of the Bihar Prohibition & Excise Act.

As per prosecution case, there is alleged recovery of 5726.61 litres foreign wines from the truck in question.



Petitioner no. 1 is alleged to be driver of the truck in question and petitioner no. 2 is alleged to be co-driver of the said truck. Both the petitioners were apprehended on spot.

Learned counsel for the petitioners submits that petitioners are in custody since 12.01.2022. Petitioners bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioners have nothing to do with the alleged recovered liquor. Nothing has been recovered from the conscious possession of the petitioners. Petitioners are not the owner of the said truck.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence and keeping in view clean antecedent of petitioners and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Danapur, Patna in



connection with Bikram P.S. Case No. 15 of 2022, Special
Excise Case No. 54 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or
mother or sister or brother or wife or the person who has sworn
the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will
remain present on all dates and absence for two consecutive
dates would be a ground for cancellation of bail by the learned
Trial court itself.

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

(Alok Kumar Pandey, J)

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