

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36148 of 2022

Arising Out of PS. Case No.-119 Year-2022 Thana- BHAGWANPUR District- Vaishali

Harmel Singh, Son of Babu Singh, Resident of village- Bahadur, P.S.- Roikot,
District- Ludhiyana (Punjab).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 36945 of 2022

Arising Out of PS. Case No.-119 Year-2022 Thana- BHAGWANPUR District- Vaishali

Amit Kumar @ Amit Kumar Singh, S/O Shri Satendra Singh, Resident of
Village- Akara, P.S.- Sadar, Hajipur, District- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 37074 of 2022

Arising Out of PS. Case No.-119 Year-2022 Thana- BHAGWANPUR District- Vaishali

Vikash Kumar, S/O Shri Vijay Kumar Singh, Resident of Village- Bharathpur,
Singhara, P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 37226 of 2022

Arising Out of PS. Case No.-119 Year-2022 Thana- BHAGWANPUR District- Vaishali

1. Avinash Kumar, Son of Ramakant Singh, Resident of Village-Kera, P.S.-
Sadar Hajipur, District-Vaishali.
2. Rajesh Kumar, son of Sri Dhananjay Singh, Resident of Village-Kera, P.S.-
Sadar Hajipur, District-Vaishali.

... .. Petitioner/s



Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 36148 of 2022)

For the Petitioner/s : Mr. Anshul, Advocate

For the Opposite Party/s : Mr.Prem Kumar Jha, APP

(In CRIMINAL MISCELLANEOUS No. 36945 of 2022)

For the Petitioner/s : Mr. Anshul, Advocate

For the Opposite Party/s : Mr.Prem Kumar Jha, APP

(In CRIMINAL MISCELLANEOUS No. 37074 of 2022)

For the Petitioner/s : Mr. Anshul, Advocate

For the Opposite Party/s : Mrs.Pushpa Sinha I, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 37226 of 2022)

For the Petitioner/s : Mr. Anshul, Advocate

For the Opposite Party/s : Mrs.Pushpa Sinha I, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-11-2022 Since all the petitions arise out of Bhagwanpur P.S.

Case No. 119 of 2022, as such, the same 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), if any, as pointed out by the office, be removed within a period of four weeks.

In the present case, the petitioners seek bail in connection with Bhagwanpur P.S. Case No. 119 of 2022, registered for the alleged offence under Sections 30 (a), 31, 32 (i) (ii), 36 and 41 (i) of the Bihar Prohibition and Excise Act.

Allegedly, total 3046.860 liters of India made foreign liquor was recovered from a container truck. The petitioner Harmel Singh is stated to be the driver of the seized container



truck and other petitioners are stated to be the members of syndicate of the illegal trade of liquor. The petitioners were apprehended from the spot by the police.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Nothing incriminating has been recovered from their conscious possession. The petitioner Harmel Singh is merely a driver of the said container and he has no concern with the recovered liquor. The other petitioners are neither the driver nor the owner of the said container truck and they have no concern with the recovered liquor or the container truck. The charge sheet has been submitted in this case. The petitioners are in custody since 25.05.2022.

The learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made hereinabove and considering the submission of charge sheet and period of custody of the petitioners, they are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1-cum- Additional District and Sessions Judge, Vaishali at Hajipur, in connection with Bhagwanpur P.S. Case



No.119 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.

(Arun Kumar Jha, J)

V.K.Pandey/-

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