

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36782 of 2022

Arising Out of PS. Case No.-35 Year-2022 Thana- INDUSTRIAL AREA District- Vaishali

1. Vijay Kumar Son Of Satyapal R/O Village- Mutathal, Police Station- Kotwali Sadar, District- Bhiwani(Haryana)
2. Manjeet Son Of Hari Singh R/O Village- Kalwas, Police Station- Bhiwani, District- Bhiwani(Haryana)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-09-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Ranjan Kumar Singh, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Industrial Area P. S. Case No. 35 of 2022 registered for the offences punishable under Sections 414 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.



As per the prosecution case, it is alleged that 348 litres Indian made foreign liquor was recovered from Honda CVR Car bearing registration no. DL-4CA-3738 and the petitioners were apprehended at the spot.

Learned counsel appearing on behalf of the petitioners submitted that the petitioners have no concern with the said car nor with the illicit wine. It is next submitted that the petitioners being driver and co-driver of the car in question was not even aware as to what as being carried by the owner of the car as they hired it for driving. It is further submitted that the petitioners having fair antecedent, are in custody since 28.02.2022 and moreover, the investigation of the crime is already completed and the charge sheet has been submitted, apart from the fact that the seizure list has been prepared without complying the provision of Section 100 of the Cr.P.C.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioners have neither any concern with the car, in question, nor with the illicit wine and moreover, they are in custody since 28.02.2022, having fair antecedent, let the petitioners, above named, be



released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten 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 Industrial Area P. S. Case No. 35 of 2022, subject to the condition that one of the bailors will be the close relative 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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