

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37807 of 2022

Arising Out of PS. Case No.-94 Year-2020 Thana- CHANDRAMANDI District- Jamui

Sukhveer Singh, Son of Late Sakindar Singh, Resident of Chak Sarai, P.S.-
Sadar Khanara, District - Ludhiana.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate

For the Opposite Party/s : Mr. Sunil kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Chandramandih P.S. Case No. 94 of 2020 registered for the alleged offences under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, on the basis of secret information that a truck was coming from Haryana having large consignment of illicit liquor loaded on it, the said truck was intercepted and the driver and the cleaner of the truck were



apprehended. Total 4860.36 litres of India made foreign liquor was recovered from the said truck. The petitioner is stated to be the owner of the truck.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and no recovery of any incriminating article has been made from his conscious possession. His name was not even disclosed by any of the apprehended persons during course of investigation. It has come that the seized truck belongs to this petitioner but that is not true. It is a part of conspiracy that the petitioner is being shown as owner of the truck. The petitioner is a NRI and he used to reside in foreign and never purchased the truck. By using his Aadhar Card, someone impersonated him and got the truck registered in his name. It has also come to knowledge that the said truck belongs to one Harpaj Singh and validity of his documents was up to 17.12.2020 while the ownership was with Harpaj Singh and the occurrence took place on 15.07.2020. So this petitioner has got no connection with the said truck. Further the co-accused driver and cleaner have been granted bail vide order dated 05.02.2021 passed in Cr. Misc. No. 37966 of 2020. This petitioner is in custody since 28.08.2022 and charge sheet



has been submitted. Petitioner has got clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made on behalf of the parties and considering the fact that petitioner was not apprehended from the spot and no recovery has been shown from him and further considering his claim about not owning the truck seized in this case and further considering the submission of charge-sheet and period of custody of this petitioner along with the clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-I, Jamui in connection with Chandramandih P.S. Case No. 94 of 2020, subject to the other conditions under Section 437(3) of the Cr.P.C. and following conditions:

- (i) One of the bailors will be Narendra Pal Singh, brother of the petitioner, who has sworn the affidavit.
- (ii) The petitioner 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 petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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