

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37808 of 2022

Arising Out of PS. Case No.-227 Year-2022 Thana- NARPATGANJ District- Araria

Sagar Kumar S/o Kalanand Yadav R/o Village- Gadhagama, Ward No. 02,
P.S.- Narpatganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 39545 of 2022

Arising Out of PS. Case No.-227 Year-2022 Thana- NARPATGANJ District- Araria

Ravi Kumar Son of Mahesh Giri Resident of Village - Bhag Kohliya , Ward
no.07, P.s.- Forbesganj, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 45574 of 2022

Arising Out of PS. Case No.-227 Year-2022 Thana- NARPATGANJ District- Araria

Bishnu Kumar Son of Ranjan Giri R/o village - Bhag Kohliya, Ward No.- 07,
P.S.- Forbesganj, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 37808 of 2022)

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

For the Opposite Party/s : Mr.Satyendra Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 39545 of 2022)

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

For the Opposite Party/s : Mr.Satyendra Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 45574 of 2022)

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

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

3 30-09-2022 Heard learned counsel for the petitioners 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 petitioners seek bail in connection with Narpatganj P.S. Case No. 227 of 2022 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 (Amendment) Act, 2016.

As per prosecution case, the police received secret information that five people were transporting Nepali liquor in XUV500 and Scorpio vehicle. Four persons on XUV 500 and one person from Scorpio tried to escape but were apprehended by the police. Upon searching the vehicle the police recovered total 810 litres of Nepali dilwale liquor. During the search and the seizure, apprehended petitioners and co-accused confessed that they were involved in stocking and selling of liquor.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners are neither the driver nor the owner of the seized vehicles and they were merely passengers and have nothing to do with the articles kept in the seized vehicles. The petitioners are having no knowledge about the illicit liquor. The



petitioners are in custody since 24.05.2022 and charge-sheet has been submitted against them. The petitioners are having clean antecedent.

Learned APP opposes the prayer for bail submitting that 810 litres of illicit liquor was recovered.

Having regard to the submissions made on behalf of the parties and considering the period of custody and submission of charge-sheet against the petitioners along with their clean antecedent, the petitioners above named are 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 Exclusive Excise-1st, Araria in connection with Narpatganj P.S. Case No. 227 of 2022, subject to the other conditions under Section 437(3) of the Cr.P.C. and 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)

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