

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39527 of 2022

Arising Out of PS. Case No.-43 Year-2022 Thana- BALIGAON District- Vaishali

1. Sajid, Son of Akhter, Resident of Village- Nagla, Subat, Nangal (54), Mewat- 122108 (Haryana).
2. Umar Mohammad, Son of Rujdav, Resident of Village- Babanwari, P.S.- Gulhaira, Distt.- Bharatpur, (Rajasthan).
3. Anil Guden, Son of Ramvilas Guden, Resident of Village- Sanjay Gram, P.S.- Karanvas, Shahpura, Dulhi, Shahpira, Parusliya, Rajgarh 465674 (Madhya Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohammad Akhter Hussain, Advocate
For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Mohammad Akhter Hussain, learned counsel for the petitioners and learned APP for the State through video conferencing.

The petitioners seek regular bail, who are in custody in connection with Baligaon P.S. Case No. 43 of 2022 registered for the offences punishable under Sections 420, 465, 467, 468, 471 of the Indian Penal Code and Sections 30(a), 32(ii), 36, 41(i) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that the police



on a secret information intercepted a truck bearing registration No.- RJ14GD-6905 and apprehended co-accused Sarvan Kumar, who is said to be the driver of the truck. On search, total 4424.4 litres of Indian made foreign liquor was recovered. It is further alleged that the driver Sarvan Kumar disclosed that a Swift Dezire Car bearing registration No.- DL2CAL 0941 was escorting the truck and under their instruction, he is carrying the consignment. On the aforesaid disclosure, the police intercepted the car and apprehended all the three petitioners. On search, total 69.12 litres of foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioners submits that the Swift Dezire Car, in question, had been hired by the petitioners for the trip to Vaishali for Darshan on rent from bonafide owner and they have no concern with the truck from which huge recovery has been made. He next submits that in course of vehicle checking, some altercation has taken place between the police personnel and the petitioners and, in the meantime, the truck was also apprehended by the police and the police being annoyed implicated the name of the petitioners in this case, showing some of the recovery from the car, in question. He further submits that the petitioners, having fair antecedent, are in custody since 27.04.2022, moreover, the



investigation of the crime is already completed and charge sheet has been submitted and, as such, there is no chance of absconding of the petitioners and tampering with the evidence, apart from the fact there is no likelihood of commencement of the trial in near future.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioners belong to different State and the recovery has been made from their possession and their complicity in the crime cannot be ruled out.

Regard being had to the submissions made on behalf of the parties and considering the fact that the car, in question, does not belong to the petitioners and the petitioners, having fair antecedent, are in custody since 27.04.2022, though the investigation of the crime is already completed, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-01-cum-District & Sessions Judge, Vaishali at Hajipur in connection with Baligaon P.S. Case No. 43 of 2022 subject to the condition that one of the bailors will be the local residents 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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