

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41283 of 2022

Arising Out of PS. Case No.-87 Year-2022 Thana- GORAUL District- Vaishali

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Avinash Ranjan Kumar @ Tinku, S/o Arvind Singh @ Arvind Kumar Singh,
R/o village- Maudah Chatur, P.S.- Patepur, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 42008 of 2022

Arising Out of PS. Case No.-87 Year-2022 Thana- GORAUL District- Vaishali

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Mukesh Sah @ Mukesh Kumar, S/O Suresh Sah, Resident of Village- Jirwara,
P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 41283 of 2022)

For the Petitioner/s : Mr.Anil Kumar, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 42008 of 2022)

For the Petitioner/s : Mrs.Rina Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-09-2022 Since both the applications arise out of Goraul

(Kathara OP) P.S. Case No. 87 of 2022, as such, they have been

taken up together and are being disposed of by this common

order.

Heard learned counsels 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 Goraul (Kathara OP) P.S. Case No. 87 of 2022, registered for the alleged offence under Sections 420, 120 B of the Indian Penal Code and Sections 30 (a), 36, 41 (I) of the Bihar Prohibition and Excise Act.

As per the prosecution case, a container truck was intercepted on receipt of secret information that it was carrying illicit liquor and recovery of 1899 liters of India made foreign liquor was made from the said truck. The petitioners are said to have fled away from the spot and were identified by the local *Chaukidar*.

The learned counsels for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. They were not apprehended from the spot and nothing incriminating has been recovered from their conscious possession. The case of the police against the petitioners is completely false and concocted as the case is based on secret information and identification of the petitioners has been made by the local *Chaukidar* in the dark night. It is also not clear how



the *Chaukidar* came to identify the petitioners as they belong to different places. The petitioners have no concern with the seized truck or liquor recovered. The petitioner Avinash Ranjan Kumar is in custody since 14.05.2022, whereas the petitioner Mukesh Sah is in custody since 18.06.2022. The charge sheet has been submitted in this case.

The learned APP opposes the prayer for bail submitting that the petitioners are habitual offenders.

Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that the petitioners were not apprehended from the spot and nothing has been shown to be recovered from their conscious possession and also consideration 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 Excise Court No.1-cum-Additional Sessions Judge, Vaishali at Hajipur, in connection with Goraul (Kathara OP) P.S. Case No. 87 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

(i) The bail bond of the petitioners will be



accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioners.

(iii) The petitioners will remain present on each and every date fixed by the court below.

(iv) 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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