

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39812 of 2022

Arising Out of PS. Case No.-54 Year-2022 Thana- RANIYATALAB District- Patna

Sarbjeet Kumar @ Amarjeet Kumar, Son of Akhilesh Prasad Yadav, Resident of village- Lalpokhar Dighi Kala West, Ps- Sadar Hajipur, District- Vaishali at Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 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 Special Excise Case No. 504 of 2022 arising out of Ranitalab P.S. Case No. 54 of 2022 registered for the alleged offences under Sections 272, 273 and 120(b) of the Indian Penal Code and Sections 30(a), 32(ii)(iii), 36 and 41 (i) (ii) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, from the vehicle of the petitioner, total 699.840 litres of India made foreign liquor was



recovered and the petitioner was apprehended along with co-accused Deepak Kumar.

The learned counsel for the petitioner submits that petitioner is innocent and falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession. He has no knowledge about the liquor kept under mangoes and he has recently purchased the vehicle for his livelihood. There is no compliance of Section 100 Cr.P.C. The petitioner is in custody since 23.03.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is the driver cum owner of the vehicle and he was having every knowledge about the liquor loaded on his vehicle as he himself was transporting the same.

Having regard to the submissions made hereinabove and considering the fact charge-sheet has been submitted and there is no chances of tampering with the witnesses and further considering the period of custody of this petitioner, 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 Excise Judge, Danapur in connection with Special



Excise Case No. 504 of 2022 arising out of Ranitalab P.S. Case No. 54 of 2022, subject to the condition mentioned in Section 437(3) of the Cr.P.C. and other the following conditions:

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be Sonu Kumar, brother of the petitioner, who has sworn the affidavit.

(iii) The petitioner 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 petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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