

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40006 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- GALGALIYA District- Kishanganj

1. Rahul Rajak Son Of Umesh Rajak R/O Of Kalchini Hospital Road, P.S.- Kalchini, District- Alipurduar (W.B.)
2. Vicky Sah Son Of Deeplal Sah R/O Of Kalchini Hospital Road, P.S.- Kalchini, District- Alipurduar (W.B.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-09-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Amal Kumar Sinha, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Galgalia P. S. Case No. 28 of 2022 giving rise to Special Case No. 468 of 2022 registered for the offences punishable under Sections 30 (a) and 41 (i) of the Bihar Prohibition and Excise Act.



As per the prosecution case, it is alleged that in course of vehicle checking, the police intercepted a Maruti Bolero car bearing registration No. WB74 BJ-2469. On search, total 83.250 litres illicit wine was recovered. It is also alleged that the petitioners were also apprehended from the spot.

Learned counsel appearing on behalf of the petitioners submitted that the petitioner no. 1 happens to be driver of the said car whereas, petitioner no. 2 is said to be passenger of the said vehicle. It is also submitted that both the petitioners being driver and the passenger were not even aware as to what was being loaded by the owner of the car, who was responsible for loading all the articles in the dickey of the car, in question. It is further submitted that there is no compliance of Sections 81-82 of the Bihar Prohibition and excise Act, 2016, apart from non-compliance of Section 100 of the Cr.P.C. It is next submitted that the petitioners have neither any concerned with the alleged vehicle nor with the illicit wine and moreover, the petitioners are in custody since 13.06.2022, having fair antecedent, though, the investigation of the crime is already completed and charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.



Regard being had to the submissions made on behalf of the parties and taking into account the fact that the investigation of the crime is already completed and the petitioners having fair antecedent, are in custody since 13.06.2022 and further, the petitioners have neither any concern with the vehicle nor with the recovered illicit wine, let the petitioners, above named, 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 Additional District and Sessions Judge- II cum Special Judge (Excise), Kishanganj in connection with Galgalia P. S. Case No. 28 of 2022 giving rise to Special Case No. 468 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioners 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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