

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40909 of 2022

Arising Out of PS. Case No.-55 Year-2022 Thana- KORANSARAI District- Buxar

1. Rajesh Kumar Yadav Son Of Laldhari Singh R/O Village- Mahatwaniya, P.S.- Udwantnagar, District- Bhojpur.
2. Dhanji Kumar Yadav Son Of Tapeswar Singh R/O Village- Mahatwaniya, P.S.- Udwantnagar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Malti Kumari, Advocate.

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-09-2022 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. Malti Kumari, learned counsel for the petitioners and learned APP for the State, through video conferencing.

The petitioners seeks regular bail, who are in custody in connection with Koransarai P.S. Case No. 55 of 2022 (G. R. No. 365 of 2022), for the offences punishable under Section 30(a) of the Bihar Prohibition of Excise Amendment Act, 2018.

The police on a secret information, intercepted a vehicle bearing Registration No. BR-1CE-3954 and on search



200 liters country made liquor was recovered and both the petitioners were apprehended at the place of occurrence.

It is submitted by the learned counsel appearing on behalf of the petitioners that the petitioner no. 1 happens to be the driver of the seized vehicle and was not even aware as to what was being loaded by the owner/passenger of the vehicle, as he has nothing to do with the vehicle nor with the illicit wine. She further submitted that petitioner no.2 happens to be passenger of the seized vehicle and was also not aware that what has been carried by the other passenger or the owner of the vehicle and as such he was bona fide sitting there, but on account of suspicion, he was apprehended by the police. It is also submitted that both the petitioners having fair antecedent and are in custody since 19.04.2022, though after completion of the investigation charge-sheet has been submitted. Apart from the aforesaid submissions, she has submitted that there is no compliance of Section 100 of the Cr.P.C. in as much as no independent witness to the seizure.

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

Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of



the crime is already complete and the charge-sheet has already been submitted and the petitioners having fair antecedent, is in custody since 19.04.2022, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Ananya, Special Judge, (Excise) First, Buxar, in connection with Koransarai P.S. Case No. 55 of 2022 (G. R. No. 365 of 2022), subject to the condition that one of the bailors will be the close relatives 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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