

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41373 of 2022

Arising Out of PS. Case No.-63 Year-2022 Thana- NAUBATPUR District- Patna

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DIMPI S/O DARYIYA SINGH Resident of Udesipur, P.S.- Ganarur, District-
Sonipat, Haryana.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 44588 of 2022

Arising Out of PS. Case No.-63 Year-2022 Thana- NAUBATPUR District- Patna

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MANPAL Son of Maha Singh Resident of Udesipur, P.s- Ganarur, Dist-
Sonipat, Haryana.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 41373 of 2022)

For the Petitioner/s : Mr.Prabhat Kumar Singh

For the Opposite Party/s : Mr.Surendra Kumar

(In CRIMINAL MISCELLANEOUS No. 44588 of 2022)

For the Petitioner/s : Mr.Prabhat Kumar Singh

For the Opposite Party/s : Mr.Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-09-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned

A.P.P. for the State.

The petitioners seek bail in connection with

Naubatpur P.S. Case No. 63/2022 registered for the offences



punishable under Sections 420/467/468/471/34 of the Indian Penal Code and Sections 30(a)/36/41(i)(ii)/32(i)(ii) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of total 2681.175 liters foreign liquor from truck in question. Petitioners apprehended on the spot.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioners. The petitioners are languishing in custody since 03.02.2022. The petitioner, Dimpi being conductor of the said truck and bears no criminal antecedent. The petitioner, Manpal being driver of the said truck and bears criminal antecedent of one case of similar nature. Learned counsel for the petitioner further submits that the petitioners are conductor and driver of the said truck and they were no knowledge about the loaded goods. The petitioners have no concern with the seized liquor and seizure list has not been prepared as per law.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides



and also taking into consideration the material available on record, let the petitioner, Manpal above named be released on bail **after framing of charge** and the petitioner, Dimpri 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 Special Excise Judge, Danapur (Patna) in connection with Naubatpur P.S. Case No. 63/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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