

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43556 of 2022

Arising Out of PS. Case No.-369 Year-2022 Thana- DARIYAPUR District- Saran

1. Abhishek Kumar Srivastava, Son of Anil Kumar, Resident of village- Bhupatipur, P.S- Ram krishna Nagar, Dist- Patna
2. Rohit Kumar, Son of Santosh Singh, Resident of Sarai, P.S Maner, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-09-2022 Heard learned counsel 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 Dariyapur P.S. Case No. 369 of 2022 registered for the alleged offences under Sections 420 and 120(B) of the Indian Penal Code and Sections 30(a), 32, 38 and 41 of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, on receipt of secret information, two vehicles were intercepted and 109.065 litres of



India made foreign liquor was recovered from these two vehicles. Petitioners were apprehended from one such vehicle and from this vehicle 53.1 litres of foreign liquor was recovered.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case and they were not apprehended from the spot as alleged. Nothing incriminating has been recovered from their conscious possession. Search and seizure has not been made in accordance with the provisions of law. Charge-sheet has been submitted in this case and the petitioners are in custody since 01.07.2022. Petitioners are having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the clean antecedent of the petitioner and further considering the submission of charge-sheet along with their period of custody, the petitioners above named 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 Additional District and Sessions Judge-IIInd-cum-Special Judge, Excise, Saran, in connection with Dariyapur P.S. Case No. 369 of 2022, subject to the conditions mentioned in Section 437(3) of the



Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be the person, who has sworn the affidavit in the case.

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

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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