

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43533 of 2022

Arising Out of PS. Case No.-81 Year-2022 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

-
1. Tej Pratap @ Laljeet Kumar Son Of Suresh Prasad R/O Village- Simarkaul,
P.S.- Rajouli, District- Nawada
 2. Upendra Sharma Son Of Basudeo Sharma Resident Of Sector A Hardiya,
P.S.- Rajouli, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 45618 of 2022

Arising Out of PS. Case No.-81 Year-2022 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

-
1. Santosh Kumar @ Karu Singh Son Of Bijay Singh R/V- Hardia Sector A
P.S- Rajouli, Dist- Nawada
 2. Pramod Kumar Son Of Kishun Prasad Resident Of Chitarkoli, P.S- Rajouli,
Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 43533 of 2022)

For the Petitioner/s : Mr.Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr.Shaheen Begum, APP

(In CRIMINAL MISCELLANEOUS No. 45618 of 2022)

For the Petitioner/s : Mr.Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr.Raj Kishor Singh, 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 virtual court proceeding.

Cr. MISC No. 45618 of 2022 has been taken up for



out of turn hearing on mentioning being made that this matter is of the same P.S. Case and petitioners were apprehended along with the petitioners of Cr. Misc. No. 43533 of 2022.

Since both the petitions arise out of Shekhopur Sarai P.S. Case No. 81 of 2022 as such, they have been heard together and are being disposed of by this common order.

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 Excise Case No. 28 of 2022 arising out of Shekhopur Sarai P.S. Case No. 81 of 2022 registered for the alleged offences under Sections 30(a), 32(2) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, petitioners were apprehended from a car during checking of vehicles and recovery of 206.25 liters of India made foreign liquor was made from the said car. The petitioner Tej Pratap is stated to be the driver of the vehicle whereas petitioner Upendra Sharma, Santosh Kumar and Pramod Kumar are stated to be passengers on the said car.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this



case. Nothing has been recovered from conscious possession of the petitioners. The car does not belong to the petitioners and they have no concern with the allegedly seized liquor. The search and seizure has not been made after following the due process of law and there is no compliance of Section 100 Cr.P.C. Charge sheet has been submitted in this case and the petitioners are in custody since 26.05.2022. The petitioners Tej Pratap and Upendra Sharma have no criminal antecedent whereas other two petitioners are having some cases pending against them. However, they are on bail in all such cases.

Learned APP for the State opposes the prayer for bail of the petitioners submitting that the petitioners were apprehended with the seized liquor and two petitioners are having criminal antecedents.

Having regard to the submission made on behalf of the parties and considering the submission of charge sheet along with period of custody of the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II, Shekhpura in connection with Rajouli P.S. Case No. 81 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 a close
relative of the petitioners.

(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 bond of the
petitioners will be liable to be cancelled
by the court concerned.

The bail bond of Santosh Kumar and other two
co-accused will be accepted only after framing of charge.

(Arun Kumar Jha, J)

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