

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44073 of 2022

Arising Out of PS. Case No.-112 Year-2022 Thana- GHANSHYAMPUR District- Darbhanga

Om Prakash Yadav @ Golu Son Of Birendar Yadav R/O Village- Simri, P.S.-
Baheri, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 45234 of 2022

Arising Out of PS. Case No.-112 Year-2022 Thana- GHANSHYAMPUR District- Darbhanga

Sunil Mahato @ Sunil Kumar Mahato Son Of Shibu Mahato @ Shiv Shankar
Mahato R/O Village- Zirat, P.S.- Ghanshyampur, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 44073 of 2022)

For the Petitioner/s : Mrs.Shama Sinha

For the Opposite Party/s : Mr.Ganesh Prasad Singh

(In CRIMINAL MISCELLANEOUS No. 45234 of 2022)

For the Petitioner/s : Mr.Binodanand Mishra

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 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 Ghanshyampur P.S. Case No. 112 of 2022 registered for the alleged offences under Sections 419 and 320 of the Indian Penal Code and Sections 30(a), 32(iii), 36 and 41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

The prosecution case is that the police received information about few persons unloading liquor from a vehicle. On conducting raid the police recovered total 323.25 litres of foreign liquor from a number of vehicles. The petitioner Om Prakash Yadav is stated to be the driver of one of the vehicles and was apprehended from the place of occurrence. Petitioner No.2 is stated to be involved in the trade of illicit liquor and his name was disclosed by the co-accused who was apprehended.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioner No. 1 is the driver of the vehicle but he has no knowledge of the liquor kept in the vehicle. Petitioner No. 2 also has no knowledge of the liquor and he was not apprehended from the spot and nothing incriminating has been recovered from him. Petitioner No. 1 has no criminal antecedent and petitioner no.2 has one criminal antecedent. They are in custody since 17.05.2022 and charge-sheet has been submitted.



Learned APP opposes the prayer for bail submitting that 323.25 litres of illicit liquor was recovered.

Having regard to the submissions made on behalf of the parties and considering the period of their custody and the submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-II, Darbhanga in connection with Ghanshyampur P.S. Case No. 112 of 2022, subject to the other conditions under Section 437(3) of the Cr.P.C. and 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.

(Arun Kumar Jha, J)

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