

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45276 of 2022

Arising Out of PS. Case No.-88 Year-2022 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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1. Dilip Ram, Son of Late Suresh Ram, R/O Village- Puraini, P.S.- Giriyak,
District- Nalanda
 2. Raju Kumar, Son of Ramashis Singh, R/O- Pachhiyadih, P.S.- Mufassil,
District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 14-10-2022 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. Man Mohan Kumar, learned counsel for
the petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody
in connection with Excise Case No. 303 of 2022, arising out of
Shekhopur Sarai P.S. Case No. 88 of 2022, registered for the
offences punishable under Sections 30(a)/32(2)/41(1) of the
Bihar Prohibition and Excise Act, 2016.

In course of patrolling duty, the police on a secret
information intercepted a Scorpio vehicle, bearing registration



no. WB04F-2954 and apprehended two persons, who are petitioners before this Court. It is further alleged that on search, total 203.750 litres of Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioners submits that petitioner no.1 happens to be the driver of the vehicle, in question, and the petitioner no.2 is the passenger. He next submits that the petitioner no.1 being the driver of the vehicle, in question, which runs for transportation of goods and carriage of passengers on the dictate of the owner, was not even aware as to what was being carried by its owner. He further submits that the petitioners have neither any concern with the vehicle, in question, nor with the incriminating materials, which was recovered. He next submits that so far the petitioner no.2 is concerned, on the fateful day, he had taken lift on the aforesaid vehicle and, in the meantime, he was apprehended by the police. He lastly submits that there is no compliance of Section 100 of the Cr.P.C., apart from the fact that the petitioners are in custody since 08.06.2022 and the investigation of the crime is already complete and charge-sheet has been submitted.

On the other hand learned APP for the State 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 charge-sheet has been submitted and there is no likelihood of commencement of trial in nearfuture, let the petitioners, named above, 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 Additional District & Sessions Judge-II, Sheikhpura in connection with Sheikhopur Sarai P.S. Case No. 88 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 physically 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.

(v) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found



that the petitioners have concealed their criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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