

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46666 of 2022

Arising Out of PS. Case No.-252 Year-2022 Thana- SABAUR District- Bhagalpur

1. MD. IRSAD, Son of Md. Hamid, R/V- Bidhaniya, P.S and Dist- Madhepura
2. Vinod Kumar, Son of Shri Binilal Yadav, R/V- Tiri, Ward no. 4, P.S- Sour Bazar, Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suman Kumar Jha, Advocate
For the Opposite Party/s : Mr.Gauri Shankar Gupta,A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 21-11-2022 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioners seek bail in
connection with Sabour (Goradih) P.S. Case No. 252 of 2022
registered for the alleged offences under Sections 188, 144 and
447 of the Indian Penal Code and under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

As per prosecution case, petitioners were
apprehended from a Tata Sumo Gold vehicle and from this
vehicle, 198 liters of India made foreign liquor was recovered.

Learned counsel for the petitioners submits that

petitioners are the driver and the passenger of the vehicle apprehended by the police, respectively. The petitioners were having no knowledge about the goods loaded in the vehicle. The petitioner no. 1 being the employee of the owner of the vehicle was bound to comply his orders but he was not told about the nature of consignment. The petitioner no. 2 took lift in the vehicle and he has nothing to do with the seized contraband. Charge sheet has been submitted in this case and the petitioners are in custody since 04.07.2022. The petitioners are having clean antecedent.

Learned APP for the State opposes the prayer for bail of the petitioners.

Having regard to the submission made on behalf of the parties and considering the submission made on behalf of the parties and considering the submission of charge sheet along with period of custody of the petitioners and their clean antecedent, 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 Chief Judicial Magistrate, Bhagalpur in connection with Sabour (Goradih) P.S. Case No. 252 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.

(Arun Kumar Jha, J)

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