

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46739 of 2022

Arising Out of PS. Case No.-386 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

1. Puran Singh, S/o Soram Singh, R/o village- Kokilasaga, P.S.- Nimarana, District- Alwar, Rajasthan
2. Randhir Singh, S/o Ravipal Singh, R/o village- Kokila Jogi, P.S.- Nimarana, District- Alwar, Rajasthan
3. Rahul Singh, S/o Deshraj Singh, R/o village and P.S.- Sodawasha, District- Alwar, Rajasthan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-10-2022 Heard learned counsel for the petitioners and learned
APP 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 Mohania P.S. Case No. 386 of 2022 registered
for the alleged offences under Sections 420, 467, 468 and 34 of
the Indian Penal Code and Sections 30(a) and 41(1) of the Bihar
Prohibition and Excise Act, 2018.

As per prosecution case, recovery of total 279.390
litres of illicit liquor was made from a Maruti car during routine



vehicle checking. Three persons were apprehended who were found sitting in the car.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Nothing incriminating has been recovered from their conscious possession. The petitioner no.1 is the driver of the said car but the petitioner no.2 and the petitioner no.3 are only relative of the petitioner no.1 and both were coming to visit Bihar State. The police has falsely implicated the petitioners on instance of previous enmity. There is no cogent evidence against the petitioners in this case. The petitioners have no knowledge about the consignment kept inside car. The petitioners are in custody since 20.07.2022 and charge-sheet has been submitted. The petitioners are having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the period of custody along with their clean antecedents of the petitioners, 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 Sessions Judge-IV-cum-Special Judge (Excise), Kaimur at Bhabua in



connection with Mohania P.S. Case No. 386 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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 for 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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