

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49627 of 2022

Arising Out of PS. Case No.-380 Year-2022 Thana- BHAGWAN BAZAR District- Saran

1. Vishal Kumar, Son of Baban Ram, Resident of Village - Bhagwanpur, P.S.- Sadar, District - Muzaffarpur.
2. Prakash Kumar @ Prakash Kumar Singh, Son of Rakesh Singh @ Rakesh Kumar Resident of Village - Marwa Pakar Ramkurawa, P.S.- Saraiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-11-2022 Heard learned counsel for the petitioners and learned APP for the State.

In the present case, the petitioners seek bail in connection with Bhagwan Bazar P.S. Case No. 380 of 2022, registered for the alleged offence under Sections 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, during a regular checking, a goods carrier tempo was intercepted on suspicion and the driver and the person sitting in the tempo tried to flee away from the scene, but they were apprehended after chase and from the tempo 268.560 liters of India made foreign liquor was recovered.



The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. They have no concern with the seized liquor as the petitioner no.1 was merely a co-traveler and the petitioner no.2 was driving the vehicle, but he was not a regular driver. He was just engaged to carry the vehicle from Ballia check post U.P. to Muzaffarpur and he was having no knowledge about the consignment. The charge sheet has been submitted in this case. The petitioners are in custody since 06.08.2022 and are having clean antecedents.

The learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made hereinabove and considering the submission of charge sheet and period of custody of the petitioners along with their clean antecedents, they 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, 2nd -cum-Exclusive Special Excise Court-1, Saran at Chapra, in connection with Bhagwan Bazar P.S. Case No. 380 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.

V.K.Pandey/-

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(Arun Kumar Jha, J)

