

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51413 of 2022

Arising Out of PS. Case No.-320 Year-2021 Thana- BARACHATTI District- Gaya

1. SANJAY KUMAR S/o Late Vinod Malakar R/o village- Rafiganj (Roja Bigha), P.S.- Rafiganj, District- Aurangabad
2. Surender Singh @ Surender Kumar Gajroji Singh R/o village- Darbaripur, P.S.- Badshahpur, District- Gurgaon (Hariyana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 14-12-2022 Heard learned counsel for the parties.

The petitioners have renewed their prayer for bail in a case under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, 6000 litres of liquor was recovered from the container/vehicle of which the petitioner no.2 was the driver while the petitioner no.1 had taken lift.

It is submitted by learned counsel for the petitioners that the earlier application for bail of the petitioners was rejected vide order dated 11.4.2022 (Annexure-1) passed in Cr. Misc. no. 44625 of 2021. The petitioners are innocent and have been falsely implicated in the case. They are in custody since



3.6.2021 and charge sheet has been submitted in the case. The petitioners undertake to cooperate in the trial.

Heard learned A.P.P. for the State.

A report was called for from the learned trial Court. As per the report received contained in letter dated 21.11.2022 from the Additional District and Sessions Judge-cum-Exclusive Special Judge, Court no.2, Gaya, it is stated that there was delay in framing of charge for the reason that one of the accused Jitendra Kumar who is a resident of State of Haryana absconded and ultimately his bail bond was cancelled and the trial split up. Finally charge has been framed against the accused on 21.11.2022.

Taking into consideration the nature of allegation together with the petitioner no.2 also being a resident of Haryana and the recovery of 6000 litres of liquor from the vehicle of which he was the driver, the Court is not inclined to enlarge the petitioner no.2 on bail and his application is rejected.

In view of the facts and circumstances of the case, the petitioner no.1 having remained in custody for 1 year 6 months together with charge having been framed, the petitioner no.1 is directed to be enlarged on bail in connection with Barachatti P.S. Case no. 320 of 2021 on furnishing bail bond of Rs.10,000/



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge, Court no. 2, Gaya, on the following conditions:

1. One of the bailors of the petitioner no.1 shall be his mother/close relative

2. Petitioner no.1 shall be properly represented in the trial Court on each date of the trial and shall cooperate in the trial.

Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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