

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52440 of 2022

Arising Out of PS. Case No.-201 Year-2022 Thana- KUDRA District- Kaimur (Bhabua)

1. Manjeet Kumar Son Of Dhani Ram Verma R/O Village- Fakharpur, P.S.- Tarun, District- Ayodhya (U.P.)
2. Arbind Verma @ Arvind Sharma Son Of Dhani Ram Verma R/O Village- Fakharpur, P.S.- Tarun, District- Ayodhya (U.P.)
3. Gyan Prakash @ Gyan Prakash Yadav Son Of Rajmer Yadav R/O Village- Fakharpur, P.S.- Tarun, District- Ayodhya (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhash, Adv.

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 14-10-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual mode.

The petitioners seek regular bail in connection with Kudra P.S. Case No. 201 of 2022 lodged under Sections 420, 467, 468, 414, 471, 34 of the I.P.C. read with Sections 30(a), 36, 41(1) of the Bihar Prohibition and Excise Amendment Act, 2018.

As per the prosecution case, the recovery of 5967 litres of foreign wine was alleged to be made from the truck.

Learned counsel for the petitioners submit that petitioner no. 1 is the truck driver, petitioner no. 2 is the truck cleaner and petitioner no. 3 is the passenger of the truck. He submits that the antecedent of the petitioners are clean. They were completely unaware that what was loaded in the truck.

Learned counsel for the State opposes the prayer for bail and submits that a huge quantity of liquor was recovered from the possession of the petitioners as they are the truck driver and *khalasi*. Learned counsel for the State also submits that till date, charge has not been framed in this case.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioners at present and, therefore, the bail application of the petitioners are hereby rejected.

However, liberty is hereby granted to the petitioners that they may renew their prayer for bail 3 months after framing of charge and Trial Court upon move 3 months after framing of charge shall release the petitioners on bail imposing conditions so that they may not evade during trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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