

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50466 of 2022

Arising Out of PS. Case No.-268 Year-2022 Thana- DEHRI TOWN District- Rohtas

Kulajit Kharwar @ Kulajit Ram Kharwar, S/o Late Suresh Kharwar Resident
of Village- Moniya Bigha, Ward No.8, P.S.- Dalmiya Nagar, Dist- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 51763 of 2022

Arising Out of PS. Case No.-268 Year-2022 Thana- DEHRI TOWN District- Rohtas

Chandan Kharwar, Son of Late Jairam Kharwar Resident of Mohalla- Mani
nagar, Jakhi Bigha, P.S- Dehri Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 50466 of 2022)

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

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

(In CRIMINAL MISCELLANEOUS No. 51763 of 2022)

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

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-11-2022 Since both the cases arise out of Dehri Nagar P.S.

Case No. 268 of 2022 as such, they have been heard together

and are being disposed of by this common order.

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 Dehri Nagar P.S. Case No. 268 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, police received secret information about trafficking of illicit liquor by a public transport bus. The bus was intercepted and the petitioners were found unloading a bag from the bus. On search of this bag, 110.2 liters of country made liquor was recovered. The petitioners were apprehended from the spot.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioners. The recovery has been made from the bus but neither the bus has been seized nor the bus owner and staff of bus have been made accused in this case. The petitioners have no concern with the alleged recovery. Charge sheet has been submitted in this case and the petitioners are in custody since 22.04.2022. The petitioner no. 1, Kulajit Kharwar has got no criminal history and the petitioner no. 2, Chandan Khardwar has got two cases

pending against him.

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 fact of submission of charge sheet along with period of custody of the petitioners, 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 Additional Sessions Judge-II-cum-Special Judge, Excise-1, Rohtas at Sasaram in connection with Dehri Nagar P.S. Case No. 268 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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