

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52263 of 2022

Arising Out of PS. Case No.-150 Year-2022 Thana- GOPALPUR District- Gopalganj

1. Mrityunjay Kumar, S/o Hardev Bhagat, R/o village- Khori Pakar, Tola-Paras Patti, P.S.- Jamo Bajar, District- Siwan
2. Pradeep Kumar, S/o Prabhu Singh, R/o village- Paltu Hata, P.S.- Jamo Bajar, District- Siwan
3. Bullet Kumar, S/o Surendra Manjhi, R/o village- Paltu Hata, P.S.- Jamo Bajar, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-11-2022 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 seeks bail in
connection with Gopalpur P.S. Case No. 150 of 2022 registered
for the alleged offences under Section 30(a) of Bihar Prohibition
and Excise Act.

As per prosecution case, police intercepted two
motorcycles and one car on a tip off that these were involved in
trafficking of illicit liquor. The petitioner and other co-accused



persons were apprehended from the spot. The petitioners were arrested from a Hyundai Santro car and from this petitioner recovery of total 213.220 litres of India made foreign liquor and country made liquor, respectively was made.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners were neither apprehended from the spot nor anything incriminating has been recovered from their conscious possession. The petitioners are not connected with the allegedly seized car or the liquor seized from it. The petitioners are neither the driver nor the owner of the said car. The seizure list has not been made in accordance with law and in violation of the Section 100 of Cr.P.C. The petitioner are in custody since 07.07.2022 and charge-sheet has been submitted. The petitioners have got fair antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioners and further considering the period of custody of the petitioners along with the submission of charge sheet against him, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs.



20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV-cum-Special Excise Court-2, Gopalganj in connection with Gopalpur P.S. Case No. 150 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 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.

himanshu/-

(Arun Kumar Jha, J)

U		T	
---	--	---	--

