

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53210 of 2022

Arising Out of PS. Case No.-88 Year-2018 Thana- DARIHAT District- Rohtas

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Raju Kumar @ Raju Kumar Singh Son of Late Rampujan Singh, R/o village -
Kanchanpur, P.S.- Sasaram (M), District - Rohtas (Sasaram)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 54825 of 2022

Arising Out of PS. Case No.-88 Year-2018 Thana- DARIHAT District- Rohtas

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Kundan Kumar @ Kundan Choudhary Son of Surendra Choudhary, R/V-
Darihat, P.S- Darihat, Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 53210 of 2022)

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 54825 of 2022)

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.Ps. for the State.

The petitioners seek regular bail in connection with
Darihat P.S. Case No. 88 of 2018, lodged under Section 30(a)

and 38 of the Bihar Prohibition and Excise Amendment Act.

As per prosecution case, total recovery of 164.160 liter of foreign liquor has been made, which is subject matter of the present case.

Learned counsel for the petitioner of Cr. Misc. No. 53210 of 2022 submits that petitioner is neither the driver nor the owner of the vehicle but the owner of the vehicle is the mother of the petitioner. Learned counsel further submits that petitioner has not been apprehended from the place of occurrence and his name was not figured in this case rather during investigation his name has figured by virtue of confessional statement of the co-accused.

Learned counsel for the petitioner of Cr. Misc. No. 54825 of 2022 submits that petitioner is innocent and has committed no offence. He also submits that petitioner is neither the driver nor the owner of the vehicle but during raid he was present in the said vehicle. Learned counsel further submits that the only mistake has been done by the petitioner is that he has taken lift by the said vehicle. Learned counsel also submits that there is gross defect and violation of Section 100 of the Cr.P.C. in the preparation of seizure list. Learned counsel further submits that antecedent of the petitioner is clean, he is in

custody since 14.03.2022 and charge-sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of these case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise Court No. 1, Rohtas at Sasaram in connection with Darihat P.S. Case No. 88 of 2018, subject to the conditions as laid down under Section 437(3) of Cr.P.C..

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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