

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53388 of 2022

Arising Out of PS. Case No.-231 Year-2022 Thana- MUFFASIL District- Aurangabad

1. Sunil Kumar, S/O Ved Prakash Resident of village- Jaggasar, P.S.- Bajju, District- Bikaner (Rajasthan).
2. Deo Pratap @ Dev Pratap Singh S/O Man Singh Resident of Mohalla- Pili Khan, Shastrinagar, P.S.- Civil Line, District- Ajmer, Rajasthan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhukar Anand, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 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 seek bail in
connection with Muffasil (Aurangabad) P.S. Case No. 231 of
2022 registered for the alleged offences under Section 30(a) of
the Bihar Prohibition and Excise Act.

As per prosecution case, recovery of total 381.750
litres of India made foreign liquor was made from a vehicle
which was being driven by the petitioner Sunil Kumar and the
petitioner Deo Pratap was sitting in the same vehicle. They were



apprehended from the spot.

The learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. As the petitioners have no concern with the car in question. Learned counsel further submits that the copy of seizure list was not supplied to the petitioners and it does not bear the signature of the petitioners. Learned counsel further submits that petitioners are not the owner of the vehicle and they were not having knowledge about the presence of the liquor in the said car. Therefore, nothing incriminating has been recovered from the conscious possession of these petitioners. The petitioners have made accused in two cases and both the cases were lodged on the same day when this case was registered. The petitioners are in custody since 03.07.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and further considering the submission of charge-sheet and the period of custody of these petitioners, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise,



First, Aurangabad in connection with Muffasil (Aurangabad)
P.S. Case No. 231 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 for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Rajnish/-

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

