

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55922 of 2022

Arising Out of PS. Case No.-334 Year-2021 Thana- GAIGHAT District- Muzaffarpur

Binod @ Vinod @ Vinod Kumar Kali @ Dillu, S/o Deevan @ Deevan Singh
R/o House no. 1766, Dinod, P.S.- Sadar Bhiwani, Distt- Bhiwani(Haryana).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Jha, Advocate

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-11-2022 Heard learned counsel for the petitioner 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 petitioner seeks bail in
connection with Gaighat P.S. Case No. 334 of 2021 registered
for the alleged offences under Sections 272, 273, 420, 467, 468
and 471/34 of the Indian Penal Code and Sections 30 (a), 36 and
41(1) of the Bihar Prohibition Act and Excise Act.

As per prosecution case, recovery of total 2240.250
litres of illicit liquor was made from a truck and the co-accused
driver was apprehended from the spot. This co-accused named
the petitioner along with other co-accused persons who were
involved in trafficking of illicit liquor.



The learned counsel for the petitioner submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The truck seized by the police does not belong to this petitioner and he has no concern with the seized liquor or any of the co-accused persons. The petitioner is in custody since 01.06.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner and further considering the submission of charge-sheet and his period of custody, the petitioner above named is 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 Exclusive Special Excise Court-I, Muzaffarpur in connection with Gaighat P.S. Case No. 334 of 2021, 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 petitioner.



(ii) The petitioner 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 petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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