

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55850 of 2022

Arising Out of PS. Case No.-211 Year-2019 Thana- TILAUTHU District- Rohtas

Golu Sah @ Golu Kumar Son Of Anil Sah @ Late Chandradeo Sah R/O
Village- Gosadh, P.S.- Sasaram, Distt.- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 56289 of 2022

Arising Out of PS. Case No.-211 Year-2019 Thana- TILAUTHU District- Rohtas

Kuldip Singh @ Kuldip Mahto S/O Shyam Bihari Singh Resident Of Village-
Dhaudad, P.S.- Sasaram (muffasil), District- Rohtas (bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 57571 of 2022

Arising Out of PS. Case No.-211 Year-2019 Thana- TILAUTHU District- Rohtas

Ankit Kumar S/O Shashikant Singh R/O Village- Vazirganj, P.S.-
Sasaram(Mufassil), District- Rohtas

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 55850 of 2022)
For the Petitioner/s : Mr. Bhaskar Shankar, Adv.
For the Opposite Party/s : Mr. Akbar Ali, APP
(In CRIMINAL MISCELLANEOUS No. 56289 of 2022)
For the Petitioner/s : Mr. Shankar Kumar, Adv.
For the Opposite Party/s : Mr. Asha Kumari, APP
(In CRIMINAL MISCELLANEOUS No. 57571 of 2022)
For the Petitioner/s : Mr. Abhinay Raj, Adv.
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-12-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with Tilauthu P.S. Case No. 211 of 2019 lodged under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, total recovery of 10800 litre foreign liquor has been made from a container truck, which is the subject matter of the present case.

Learned counsel for the petitioner of first case (Cr. Misc. No. 55850 of 2022) submits that he has not been apprehended from the place of occurrence. His name has figured in this case by virtue of the confession. Counsel submits that the *Chowkidar* had identified one person Rinku Singh @ Baljit Singh who fled away from the place of occurrence. Counsel submits that the name of the petitioner has figured in this case by virtue of the confessional statement. Nothing was recovered from his possession nor he was apprehended from the place of occurrence. There are 3 criminal cases pending against him in which he is on bail in 2 cases. Counsel submits that petitioner is

in custody since 24.06.2022 and charge sheet has already been filed in this case.

Learned counsel for the petitioner of second case (Cr. Misc. No. 57571 of 2022) submits that petitioner is innocent and has committed no offence. He further submits that petitioner's name was not figured in the F.I.R. rather he was remanded in the present case since 16.06.2022 and charge sheet has already been filed in this case. The said remand has been made in this case only due to the reason that there are 7 criminal cases pending against him.

Learned counsel for the petitioner of third case (Cr. Misc. No. 56289 of 2022) submits that he has also not been apprehended from the place of occurrence. His name has figured in this case by virtue of the confessional statement. There are 7 criminal cases pending against him and in all cases he is on bail. Counsel submits that petitioner is in custody since 16.06.2022.

Learned counsel for the State opposes the prayer for bail and submits that huge quantity of wine has been recovered from a truck container. Upon the specific question from the Court that whether any of the 3 petitioners have been apprehended from the place of occurrence or any direct evidence is available against them, counsel for the State submits

that none of the petitioners were apprehended from the place of occurrence and the name of those persons have come by virtue of the confessional statement of the other accused. But counsel further submits that all the accused persons have criminal antecedents.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.1,00,000/- (Rupees One Lac) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 2 cum Additional District and Sessions Judge, Rohtas at Sasaram in connection with Tilauthu P.S. Case No. 211 of 2019, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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