

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67944 of 2021

Arising Out of PS. Case No.-135 Year-2021 Thana- BHAGWANPUR District- Vaishali

1. Shakil S/o Safi Mohammad R/o Village- Ganaur, Gandhi Jhanjhara Panchi Gujaran (114), P.S.- Ganaur, District- Sonipath, Haryana.
2. Dipak S/o Balwan R/o Village- 655 Asandh Road, Datta Colony, P.S.- Panipath, District- Panipath, Haryana

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 24-06-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with
Bhagwanpur P.S. Case No. 135 of 2021 registered for the
offence under Sections 272, 273, 467 and 468 of the Indian
Penal Code and Section 30(a), 36 and 41(i) of Bihar Prohibition
and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and
are in custody since 18.06.2021.

The allegation against the petitioners is to have in
possession of 3449.16 liters of IMFL.



Learned counsel appearing on behalf of the petitioners submitted that petitioners are the driver and co-driver of the alleged truck and nothing surfaced during the course of investigation, which may suggest that the petitioners were aware of the consignment loaded in the truck. It has further been submitted that the recovery has not been made from the conscious physical possession of the petitioners. While concluding the argument, it has also been submitted that petitioners are persons having clean antecedent and chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that petitioners are the driver and co-driver of the alleged truck.

Considering the facts and circumstances as mentioned above, as nothing surfaced during the course of investigation, which may suggest that petitioners, who are the persons having clean antecedent, were aware of the consignment loaded in the truck coupled with the fact that chargesheet has already been submitted in this case, let the petitioners, above named, are directed to be released on bail in connection with Bhagwanpur P.S. Case No. 135 of 2021 on furnishing bail bond



of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur, Bihar, subject to the following conditions:

“(i) Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioners, duly supported by the documents.

(ii) That one of the bailors shall be Anish, who is the son of petitioner no.1 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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