

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55925 of 2022

Arising Out of PS. Case No.-99 Year-2022 Thana- SAHJAHANPUR District- Patna

BANTI KUMAR Son of Dyanand Prasad R/V- Kagibigha, P.S- Shahjahanpur,
Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 56643 of 2022

Arising Out of PS. Case No.-99 Year-2022 Thana- SAHJAHANPUR District- Patna

KARAN PATEL @ GUDDU KUMAR @ KARN PATEL @ GUDDU S/O
CHHATRADHARI SINGH Resident of village- Kagibigha, P.S.-
Shahjahanpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 56689 of 2022

Arising Out of PS. Case No.-99 Year-2022 Thana- SAHJAHANPUR District- Patna

NIWAS KUMAR @ SHISHU KUMAR Son of Naval Prasad @ Nawal
Kishore Prasad Resident of village - Singriawan, P.S.- Shahjahanpur, District
- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 58083 of 2022

Arising Out of PS. Case No.-99 Year-2022 Thana- SAHJAHANPUR District- Patna

SURAJ KUMAR @ SURAJ PRAKASH Son of Hari Kishnu Prasad @ Hare
Krishna Mahto @ Hari Kishun Prasad Resident of village- Kazibigha, P.S-
Shahjahanpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 55925 of 2022)

For the Petitioner/s : Mr.Kahkashan Alam, Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

(In CRIMINAL MISCELLANEOUS No. 56643 of 2022)

For the Petitioner/s : Mr.Kahkashan Alam, Advocate

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

(In CRIMINAL MISCELLANEOUS No. 56689 of 2022)

For the Petitioner/s : Mr.Kahkashan Alam, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 58083 of 2022)

For the Petitioner/s : Mr.Kahkashan Alam, Advocate

For the Opposite Party/s : Mrs.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-11-2022 Since the four cases arise out of Shahjahanpur P.S.

Case No. 99 of 2022 as such, they have been heard together and
are being disposed of by this common order.

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 Shahjahanpur P.S. Case No. 99 of 2022 registered
for the alleged offences under Sections 30 (a) of the Bihar
Prohibition and Excise Act.

As per prosecution case, police received information
that the petitioners have brought the consignment of illicit India
made foreign liquor by a Wagon-R vehicle. A raid was conducted

at the identified place where four persons were standing and three of them were apprehended who are petitioners Niwas Kumar, Karan Patel, Banti Kumar and the petitioner Suraj Kumar is stated to have fled away from the spot. Four wheeler was searched and from this vehicle, recovery of 136.545 liters of India made foreign liquor was made. From the motorcycle parked at the place of occurrence, 2.25 liers India made foreign liquor was made.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The petitioners are neither the owners nor the drivers of the seized vehicle. The seizure list has been prepared on contravention to the statutory provision. No recovery has been made from the conscious possession of the petitioners. Charge sheet has been submitted in this case and the petitioners are in custody since 04.09.2022 and 08.09.2022, respectively. All the petitioners have got clean antecedent.

Learned APP for the State opposes the prayer for bail of the petitioners.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the clean antecedent of the petitioners along with submission of charge sheet against them and further considering the fact that no recovery has been shown from their conscious possession, the petitioners above

named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand)each with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Patna City in connection with Shahjahanpur P.S. Case No. 99 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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 on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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