

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56887 of 2022

Arising Out of PS. Case No.-158 Year-2022 Thana- KUTUMBA District- Aurangabad

1. Prakash Kumar Jaiswal S/O Suraj Prasad Jaiswal Resident of Village- Maharaj Ganj, P.S.- Kutumba, District- Aurangabad
2. Pankaj Kumar S/O Late Omkar Goswami @ Onkar Goswami Resident of Village- Maharaj Ganj, P.S.- Kutumba, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Mukul Kumari, Advocate

For the Opposite Party/s : Mrs.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-11-2022 Heard learned counsel for the petitioners and learned
APP for the State.

In the present case, the petitioners seek bail in connection with Kutumba P.S. Case No. 158 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, the petitioners were apprehended from a car on the basis of tip off received by the police that they were carrying illicit liquor. On search of the said car recovery of 342 litres of country made liquor was made. The petitioner no. 1 is stated to be the driver of the car and petitioner no. 2 was a co-passenger with him.



The learned counsel for the petitioners submits that the petitioners have no concern with the seized liquor or the seized car. The petitioners do not own the car and nothing incriminating has been recovered from the conscious physical possession of the petitioners. There is complete non-compliance of Section 100 of Cr.P.C. The petitioners are in custody since 10.07.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail.

Having regard to the submissions made on behalf of the parties and considering the clean antecedent of the petitioners and further considering their period of custody and submission of charge-sheet, 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), Aurangabad in connection with Kutumba P.S. Case No. 158 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 the person, who has sworn the affidavit in the case.
- (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 bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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