

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70235 of 2021

Arising Out of PS. Case No.-66 Year-2021 Thana- KALER District- Jehanabad

1. Govind Kumar, S/o Raju Rai, R/o Chaangar, P.S.- Kankarbagh, Distt.- Patna, Bihar
2. Sandeep Kumar S/o Kamal Rai R/o village- Jaafarpur, P.S.- Danapur, Distt.- Patna, Bihar
3. Upendra Kumar S/o Late Shiv Prasad R/o Chaangar, P.S.- Kankarbagh, Distt.- Patna, Bihar

... .. 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. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-07-2022 Heard learned counsel for the petitioners and learned APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Kaler P.S. Case No. 66 of 2021 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, total 1782 litres of India made foreign liquor was recovered from the vehicle of the



petitioners. The petitioners are stated to be the driver, co-driver and the cleaner of the vehicle.

The learned counsel for the petitioners submits that the petitioners have nothing to do with the recovery of alleged liquor and nothing incriminating has been recovered from their conscious possession and having no knowledge about the consignment loaded on the truck. Charge-sheet has been submitted in this case and the petitioners are in custody since 28.10.2021.

Learned APP opposes the prayer for bail submitting that a huge quantity of liquor has been recovered from the vehicle.

Having regard to the submissions made hereinabove and considering the fact that the charge-sheet has been submitted in this case and further considering the period of custody of the petitioners, 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 Court of Additional Sessions Judge-II-cum-Special Judge Excise Act, Jehanabad, Bihar, in connection with Kaler P.S. Case No. 66 of 2021, subject to the conditions mentioned in Section 437(3) of the



Code of Criminal Procedure and also the following conditions :

(i) The bail bond of the petitioners will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be the person who has sworn the affidavit in the case.

(iii) The petitioners will remain present on each and every date fixed by the court below.

(iv) 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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