

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57638 of 2022

Arising Out of PS. Case No.-553 Year-2022 Thana- DEHRI TOWN District- Rohtas

Pankaj Kumar, Son of Arvind Prasad @ Arvind Kumar Gupta, R/o Village -
Dharhra Japla, P.S.- Japla, District - Palamu, Jharkhand, At present R/o
Village - Khajuri, P.S.- Rohtas, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 58610 of 2022

Arising Out of PS. Case No.-553 Year-2022 Thana- DEHRI TOWN District- Rohtas

Anita Devi, Wife of Lal Babu Chaudhary R/V- Barah Pathar, P.S- Dehari,
Dist- Rohtas (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 57638 of 2022)

For the Petitioner/s : Mr.Ashutosh Tripathy, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

(In CRIMINAL MISCELLANEOUS No. 58610 of 2022)

For the Petitioner/s : Mr.Pramendra Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Since both the applications arise out of Dehri

(Indrapuri OP) P.S. Case No. 553 of 2022, as such, they have

been taken up together and are being disposed of by this

common order.

Heard learned counsels for the petitioners and learned

APP for the State.



In the present case, the petitioners seek bail in connection with Dehri (Indrapuri OP) P.S. Case No. 553 of 2022, registered for the alleged offence under Section 30 (a) of the Bihar Prohibition and Excise Act.

As per prosecution case, during checking of vehicles, a tempo was intercepted and from this tempo, 129.6 liters of country made liquor was recovered. The petitioners were apprehended from the spot.

The learned counsels for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Nothing incriminating has been recovered from their conscious possession. The petitioner Pankaj Kumar is a poor person and driving the tempo for earning his livelihood and he has no knowledge about the recovered liquor. The petitioner Anita Devi is a poor lady and has no concern with the seized tempo or the recovered liquor as she was merely a passenger. There is no compliance of Section 100 of Cr.P.C. The charge sheet has been submitted in this case. The petitioners are in custody since 22.07.2022 and are having clean antecedents.

The learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made hereinabove and considering the submission



of charge sheet and period of custody of the petitioners along with their clean antecedents, they 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 Exclusive Special Judge, Excise Court No.1, Rohtas at Sasaram, in connection with Dehri (Indrapuri OP) P.S. Case No.553 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)

V.K.Pandey/-

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