

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58763 of 2022

Arising Out of PS. Case No.-203 Year-2021 Thana- DARIYAPUR District- Saran

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Anjay Kumar, S/o Sh. Rampriti Singh R/o- Sadpura Neem Chowk, P.S.-Kaji
Mohammadpur, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioner 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.

In the present case, the petitioner seeks bail in
connection with Dariyapur P.S. Case No. 203 of 2021 registered
for the alleged offences under Sections 372, 373, 420 and 120(B)
of the Indian Penal Code and Sections 30(a), 33, 36 and 41(i) of
the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, secret information was
received by the police about a truck bringing spirit for
manufacturing of spurious country made/ foreign liquor for use by
the *mafia*. It has also been alleged that co-accused persons have
constructed godowns at various places in Jharkhand and they have
entrusted the petitioner, who is the relative of co-accused Vijay



Singh Patel, to look after the godown and in the business of illicit liquor, the petitioner is stated to be the person who gets the spirit unloaded from the trucks and thereafter it is supplied on trucks to different districts of Bihar. A truck was intercepted and recovery of 5200 litres of spirit was made.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has no concern either with the vehicle from which the recovery has been made or the allegedly seized illicit liquor. The petitioner has no concern with any of the godowns at Jharkhand. Similarly placed co-accused persons have been granted bail by different Co-ordinate Bench of this Court vide order dated 24.09.2021 passed in Cr. Misc. No. 38999 of 2021, order dated 10.01.2022 passed in Cr. Misc. No. 43611 of 2021, order dated 29.01.2022 passed in Cr. Misc. No. 39105 of 2021, order dated 01.07.2022 passed in Cr. Misc. No. 14482 of 2022 and order dated 28.09.2022 passed in Cr. Misc. No. 40101 of 2022. The petitioner is in custody since 22.07.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner has got criminal antecedents of similar nature.



Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the period of custody of the petitioner along with submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise-1st, Saran at Chapra in connection with Dariyapur P.S. Case No. 203 of 2021, 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 petitioner.
- (ii) The petitioner 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 petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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