

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59225 of 2022

Arising Out of PS. Case No.-208 Year-2022 Thana- PATEPUR District- Vaishali

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Jitan Ram @ Jitam Ram, Son of Satan Ram, R/V- Premraj, P.s- Goraul, Dist-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar ,

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 59228 of 2022

Arising Out of PS. Case No.-208 Year-2022 Thana- PATEPUR District- Vaishali

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Kundan Kumar S/O Ram Pravesh Paswan @ Pravesh Paswan, Resident of
village- Premraj, P.S.- Goraul, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 59225 of 2022)

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 59228 of 2022)

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Since both the applications arise out of Patepur P.S.

Case No. 208 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

A.P.P. for the State through virtual court proceeding.

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 Patepur P.S. Case No. 208 of 2022 registered for the alleged offences under Sections 30(a), 32(ii), 38(ii) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, police received secret information about bringing of consignment of illicit liquor by the traders of illicit liquor. Police reached the identified place and from two four-wheeler and two motorcycles, 1075.32 liters of India made foreign liquor was recovered. The petitioner Kundan Kumar was apprehended along with co-accused Nitish Kumar. The co-accused Nitish Kumar confessed and stated the petitioner Jitan Ram to be the driver of the pick-up-van from which recovery of 850.320 liters of illicit liquor was made.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The petitioner Jitan Ram was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. This petitioner was named by the co-accused due to village politics and personal grudge.

The petitioner Kundan Kumar was apprehended from the spot but nothing incriminating has been recovered

from the possession of the petitioner. The petitioner is neither the owner nor the driver of the allegedly seized vehicles. The seizure list was not handed over to the apprehended petitioner or the co-accused. There is no independent witness to the seizure list. Charge sheet has been submitted in this case and the petitioners are in custody since 29.08.2022 and 27.07.2022, respectively. The petitioner Jitan Ram has got one criminal antecedent and the petitioner Kundan Kumar has got no criminal antecedent.

Learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Having regard to the submission made on behalf of the parties and considering the submission of charge sheet along with period of custody of the petitioners, 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 Exclusive Special Excise, Court No. 02-cum-Additional District and Sessions Judge, Hajipur, Vaishali in connection with Patepur P.S. Case No. 208 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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