

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59187 of 2022

Arising Out of PS. Case No.-419 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

1. Vijay Mallick, Son of Dilbag Mallick, R/V- Bheswan, P.s- Gohana, Dist- Sonipat, Haryana
2. Harish, Son of Mohan Singh, R/V- Gubhana, P.S- Bahadurgarh, Dist- Jhajhar, Haryana
3. Vakil Khan @ Wakeel Ahmad, Son of Kamruddin Khan @ Kamruddin, R/V- Marora, P.S- Nagina, Dist- Nuhumewat, haryana

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jagjit Roshan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioners and
learned APP for the State through virtual court proceeding.

Let the defect (s), if any, 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 Mohania P.S. Case No. 419 of 2022 registered
for the alleged offences under Section 414 of the Indian Penal
Code and Sections 30(a) and 41(1) of the Bihar Prohibition and
Excise Act, 2016.

As per prosecution case, during checking of
vehicles, a car was intercepted and petitioners were

apprehended. Recovery of 226.8 liters of India made foreign liquor was made from the said car.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioners. There is no independent witness to support the prosecution case and even the witnesses on the seizure list are members of police party. The petitioners are not the owners of the car which was seized from the place of occurrence. From the possession of the petitioners, one mobile phone each was recovered and petitioners have no concern with the allegedly seized liquor. There is no material on record to connect the petitioners with the allegation made in the F.I.R. There is non compliance of Section 100 of Cr.P.C. Charge sheet has been submitted in this case and the petitioners are in custody since 04.08.2022. The petitioners have got clean 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 and their clean antecedent, 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 Special Judge Excise No.-1-cum-A.D.J. IV, Kaimur at Bhabhua in connection with Mohania P.S. Case No. 419 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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