

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.960 of 2022

Arising Out of PS. Case No.-455 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

1. Vindhyachal Kumar Bharti Son Of Late Ghura Ram Resident Of Village- Kurra, P.S- Mohaniya, Dist- Kaimur (BIHAR)
2. Rajendra Ram Son Of Praduman Ram Resident Of Village- Kauri Ram, P.S- Mohaniya, Dist- Kaimur (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Kumar Deo, Advocate.

For the Opposite Party/s : Mr. Anita Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-06-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Rajendra Kumar Deo, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Mohaniya P. S. Case No. 455 of 2021 registered for the offences punishable under Sections 419 and 420 of the Indian Penal Code and Sections 30(a), 36 and 41(i) of the Bihar Prohibition and Excise Act.



As per the prosecution case, it is alleged that that the Police on a secret information has stopped a bus wherein six passengers were seated. It is further alleged that from dikki/cabin of the bus 712.71 litres illicit liquor were recovered and the petitioners are said to be driver and khalasi of the said bus.

Learned counsel appearing on behalf of the petitioners submitted that the petitioner no. 1 happens to be driver of the bus and the petitioner no. 2 is a *Khalasi* of the bus, in question, from where the recovery has been made and the same belongs to its owner, namely, Abid Mohiuddin and they have nothing to do with the alleged seized bus. It is further submitted that the alleged recovery of wine does not belong to the petitioners as the same was kept by passengers, who were commuted through the said bus. It is also submitted that the investigation of the crime has already concluded and the charge-sheet has been submitted and these petitioners are in custody since 08.10.2021. It is lastly submitted that other co-accused persons, who were found sitting in the bus as passengers they have been granted bail by learned co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 66010 of 2021 vide order dated 02.03.2022. A copy of which has been produced before this



court and the same has been kept on record.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioners are driver and *khalasi* of the bus and they were well aware of the illicit foreign liquor which was found in their bus.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioners are driver and *khalasi* of the bus, in question, and the alleged recovered foreign liquor were said to be kept by the passengers, who were found seated in the bus, apart from that, the investigation has already been concluded and the charge-sheet has been submitted and these petitioners having no criminal antecedent and are in custody since 08.10.2021, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Special Judge, Kaimur at Bhabhua in connection with Mohaniya P. S. Case No. 455 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the



trial.

- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.
- (v) The Court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancelling of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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