

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3701 of 2023

Arising Out of PS. Case No.-104 Year-2022 Thana- KALER District- Jehanabad

1. Prem Kumar S/O Shivdani Singh, Resident of Bokaro Steel City, P.S.- Sector 12, District- Bokaro (Jharkhand).
2. Ranjit Kumar S/O Keshwar Singh, Resident of village- Simaru, P.S.- Gurua, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mrs. Rina Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-03-2023 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 Kaler P.S. Case No. 104 of 2022 registered for
the alleged offences under Section 30(a) and 36 of the Bihar
Prohibition and Excise Amendment Act, 2018.

As per prosecution case, during checking against
smuggling of illicit liquor a pick-up van was intercepted. Its
driver and co-driver tried to flee away after getting down from
the vehicle but they were apprehended. On search of the said



pick-up van 504 liters of illicit India made foreign liquor was recovered.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. The petitioner no. 1 is driver and petitioner no. 2 is co-driver of the vehicle in question and they are daily wage earners and they have been plying the vehicle at the orders of its owner. They have no knowledge about the illicit liquor. Nothing incriminating has been recovered from their conscious possession. Charge sheet has been submitted in this case and the petitioners are in custody since 24.11.2022. The petitioner has got no criminal history.

Learned APP for the State opposes the prayer for bail of the petitioners.

Having regard to the facts and circumstances and 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)-II, Jehanabad in connection with Kaler P.S. Case No. 104 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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