

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3844 of 2023

Arising Out of PS. Case No.-657 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

1. Jitendra Sharma, Son of Mahendra Sharma Resident of Village- Koath, P.S.-
Dawath, District- Rohtas
2. Ravi Kumar, Son of Hiralal Sah Resident of Village- Habbupur, P.S.- Rajpur,
District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Advocate

For the Opposite Party/s : Ms. Rita Verma, APP

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 video conferencing.

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 Mohaniya P.s. Case No. 657 of 2022 registered
for the alleged offences under Section 414 of the Indian Penal
Code and Section 30(a)/47 of the Bihar Prohibition and Excise
Act, 2016.

As per prosecution case, police received secret
information about smuggling of illicit liquor and during
checking of vehicles, a Pick-up vehicle was intercepted and the
petitioners were apprehended. From a secret compartment of the



said vehicle, 306.180 liters of India made foreign liquor was recovered. The petitioner No.1 is stated to be the driver and the petitioner No.2 is stated to be person who has been smuggling the illicit liquor and selling the same at high price in State of Bihar.

Learned counsel for the petitioners submit that the petitioners are innocent have been falsely implicated in this case. The petitioner No.1 is the driver and the petitioner No.2 is the cleaner of the vehicle. The seized vehicle belongs to one Suresh Kumar Singh and the said liquor also belongs to the owner who managed everything. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners are in custody since 08.12.2022 and charge-sheet has been submitted in this case. The petitioners have got no criminal history.

Learned APP for the State opposes the prayer for bail submitting that it has been specifically mentioned in the F.I.R. itself that the illicit liquor belongs to petitioner Ravi Kumar and he has been smuggling the same and both petitioners are actively involved in the illicit trade of liquor.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the



fact that the petitioners are stated to be the driver and cleaner of the vehicle and the recovery has been made from secret compartment of the vehicle and further considering the clean antecedent of the petitioners along with their period of custody and submission of charge sheet, 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 Court No.1-cum-ADJ-IV, Kaimur at Bhabhua, in connection with Mohaniya P.S. Case No. 657 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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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