

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2131 of 2023

Arising Out of PS. Case No.-358 Year-2022 Thana- DINARA District- Rohtas

1. Ravi Kant, Son Of Arun Kumar @ Arun Kumar Rai, R/O Village- Akilpur, Chandmari Road, Sonepur Station, P.S.- Sonepur, District- Chapra (Saran)
2. Raja Kumar Singh @ Raja Singh, Son Of Late Hemant Singh, R/O Village- Bela Megh, P.S.- Ujjiyarpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chhote Lal Mishra, Advocate

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-04-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. In the present case, the petitioners seek bail in connection with Dinara P.S. Case No. 358 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, police received secret information about smuggling of illicit liquor in a four-wheeler. The identified vehicle was stopped and two persons who are petitioners of this case tried to escape on seeing the police party. But they were over-powered and on search of the said vehicle 115.140 liters of India made foreign liquor of different nature



was recovered.

4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The petitioners have no concern with the vehicle in question as they are merely daily wage labourers and they were standing near the place of occurrence when the police came to apprehend them on the basis of suspicion as they were watching immersion of some idol. Learned counsel further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. Charge sheet has been submitted in this case and the petitioner are in custody since 07.10.2022.

5. Learned A.P.P. for the State opposes the prayer for bail of the petitioners submitting that the recovery has been made from the vehicle which the petitioners have purchased for the purpose of smuggling liquor and the petitioner Raja Kumar Singh is having one criminal antecedent against his name.

6. 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 have no concern with the vehicle from which recovery has been made and also 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 Special Judge, Excise-I, Rohtas at Sasaram in connection with Dinara P.S. Case No. 358 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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