

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19562 of 2023

Arising Out of PS. Case No.-342 Year-2022 Thana- GUTHANI District- Siwan

PAWANDEEP SINGH Son Of Rabindra Singh @ Harwindar Singh Resident
Of Village - House No. 16, Royal Home Enclave Bulara Gaon, P.S. - Bulara,
Distt. - Ludhiyana (PUNJAB)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 19839 of 2023

Arising Out of PS. Case No.-342 Year-2022 Thana- GUTHANI District- Siwan

LAKHBINDAR SINGH @ LAKHBIND SINGH S/O- Sukhbindar Singh,
Village- C.R.P. Colony Dugari Road, P.S.- Dugari, Dist- Ludhiyana (Punjab)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 19562 of 2023)

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

(In CRIMINAL MISCELLANEOUS No. 19839 of 2023)

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 09-05-2023 1. As both the criminal miscellaneous petitions have arisen out of same P.S. case, hence they are being heard together and decided by a common order.
2. Heard learned counsel for the petitioners and learned APP for the State.
3. Petitioners seek regular bail in connection with



Guthani P.S. Case No. 342 of 2022, dated 22.12.2022 registered for the offences punishable under Section 420 of the Indian Penal Code and Sections 30(a), 41(1) of the Bihar Prohibition and Excise Act.

4. The main submissions advanced by learned counsel for both the petitioners are that the petitioners have been languishing in jail since 23.12.2022 having fair and clean antecedent and 1365 litres and 1425.6 litres of *foreign liquor* are stated to have been recovered from two *Eicher Trucks* and as per prosecution the petitioner, Pawandeep Singh was found in one of the trucks as a co-driver and co-accused Lakhwinder Singh was found as a driver in one of the trucks and Pawandeep Singh is not the owner of the truck in which he was found and other person namely Vinod Singh, is stated to be the owner of the said truck and the petitioner, Pawnsadeep Singh was bonafidely discharging his duty as a co-driver in the said truck when it was intercepted and petitioner Lakhwinder Singh was discharging his duty as a driver in the alleged vehicle and both the petitioners had no knowledge of the loaded liquor and one co-accused namely, Ajay, who was found as a driver in one of the trucks, has been granted bail by this Court vide order passed in Cr. Misc. No. 6946 of 2023 and case of both the petitioners is



completely identical to him and against the petitioners investigation has been completed.

5. Learned APP appearing for the State opposes the prayer for bail.

6. Considering the above submissions and mainly the completion of investigation against the petitioners, their custody period and their fair and clean antecedent as per statement made in paragraph No. 3 of their petitions and also taking into account their professions, in my opinion it is a fit case for bail to the petitioners. Accordingly, let both the petitioners named-above be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Guthani P.S. Case No. 342 of 2022 on the following conditions:-

(i) The petitioners will be released after the framing of charge.

(ii) Both the bailors of each petitioner shall be the local residents within the jurisdiction of the trial court, having sufficient immovable property to the satisfaction of the trial court.

(iii) The trial court will verify the criminal antecedent of the petitioners from the Director General of Police (DGP),



Punjab through Superintendent of Police (S.P.), Siwan and if any criminal antecedent of the petitioners is found then the trial court will take serious action against him/them by cancelling his/their bail bond and also take serious action against the bailors as per the procedure of law.

(Shailendra Singh, J.)

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