

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39918 of 2023

Arising Out of PS. Case No.-88 Year-2023 Thana- MEHANDIA District- Jehanabad

NAND KISHOR RAI @ BABA S/O LATE HARI RAI R/O VILLAGE-
JARUA (JADHUA) KUSHWAHA TOLA, PS. NAGAR (TOWN), HAJIPUR,
DIST. VAISHALI (HAJIPUR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 40143 of 2023

Arising Out of PS. Case No.-88 Year-2023 Thana- MEHANDIA District- Jehanabad

NISHANT SINGH Son of Shyam Lal Resident of village - Bharog, P.s. -
Theog, Dist. - Shimla, Chhaila (Himachal Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 39918 of 2023)

For the Petitioner/s : Mr.Dheeraj Kumar, Advocate

For the Opposite Party/s : Mr.Murli Dhar, APP

(In CRIMINAL MISCELLANEOUS No. 40143 of 2023)

For the Petitioner/s : Mr.Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 17-07-2023 1. As both the criminal miscellaneous petitions have arisen out of same P.S. case, hence they are being taken up and decided together.
2. Heard learned counsel for the petitioners and the learned APP for the State.
3. Petitioners seek regular bail in connection with



Mehandiya P.S. Case No. 88 of 2023 dated 07.04.2023 registered for the offence(s) punishable under Section(s) 420, 467, 468 and 471 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

4. The main submissions advanced by the learned counsel for the petitioners are that against both the petitioners, there is no allegation and as per prosecution's story narrated in the FIR, the petitioner Nishant Singh was found with five other co-accused persons in a Scorpio vehicle from which any recovery of wine was not made and as per the police, the said petitioner and other arrested co-accused persons simply worked as a liner by using their vehicles in respect of smuggling a large quantity of wine which was being made from a truck but except suspicion made by the police there is no any other material to connect the petitioners to the transportation of the alleged wine from the alleged truck and co-accused persons, namely, Lokesh Kumar, Ranjan Kumar, Bittu Kumar; Manish Kumar; Manan Kumar Sharma @ Manav and Lalu Prasad who were arrested along with this petitioner from the alleged Scorpio vehicle, have been granted bail by different co-ordinate Benches of this Court by orders passed in Cr. Misc. Nos33576 of 2023, 34483 of 2023, 31258 of 2023 and 31704 of 2023. Further submissions



are that against the petitioner Nand Kishore Rai @ Baba, there is no allegation and his name is simply added in the FIR in the last paragraph and his any specific role as well as involvement in the alleged smuggling of the wine has not been revealed. Further submissions are that from the alleged truck from which the alleged wine was recovered, only driver, namely, Ranjit Kumar Sah was arrested who has also been made accused in this case.

5. Learned APP appearing for the State has opposed the bail prayer.

6. Considering the above submissions and mainly the privilege of bail having been granted to above-mentioned co-accused persons, who were arrested along with the petitioner/Nishant Singh, by different co-ordinate Benches of this Court and admittedly from the Scorpio vehicle in which the petitioner was found, no recovery of any wine was made and the police simply suspected the petitioner and co-accused being liner to the smuggling of the alleged wine which was being made from a truck and also taking into the completion of investigation against the petitioners, in my opinion, it is a fit case for bail to the petitioners. Accordingly, let the petitioners named-above be enlarged on bail in connection with Mehendiya



P.S. Case No. 88 of 2023 on furnishing bail bond of Rs.10,000/-
(Ten Thousand) each with two sureties of the like amount each
to the satisfaction of the Court concerned.

(Shailendra Singh, J)

Sanjay/-

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