

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48157 of 2023

Arising Out of PS. Case No.-22 Year-2023 Thana- BAUNSI District- Banka

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Ram Kumar Das @ Ramu Das S/O Dilip Kumar Das R/O Village- Latta
(Dikuani), P.S. Poraiyahat, Dist. Godda (Jharkhand)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 48343 of 2023

Arising Out of PS. Case No.-22 Year-2023 Thana- BAUNSI District- Banka

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Dharmendra Singh Son Of Ranjeet Singh Resident Of Village
-Amuardighwani, P.S- Poraiyahat, Dist- Godda (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 48157 of 2023)

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

For the Opposite Party/s : Mr. Sucheta Yadav, APP

(In CRIMINAL MISCELLANEOUS No. 48343 of 2023)

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

For the Opposite Party/s : Mr. Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2023 Heard Mr. Praveen Kumar, learned counsel appearing

on behalf of the petitioners and the learned Additional Public

Prosecutor for the State.

2. Both the applications arises out of the same P.S.

case and, as such, with the consent of the parties they are being

disposed of by this common order.



3. The petitioners are apprehending their arrest in connection with Bounsi P.S. Case No. 22 of 2023, registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment Act) 2018.

4. Allegedly, on a secret information, regarding trafficking of illicit wine through a tractor loaded with stone chips, the police intercepted the tractor. The police also came to know that one person on a bullet motorcycle is escorting the tractor, who was also apprehended and he disclosed his name as 'Kundan Singh'. On search, altogether 482.955 litres of illicit Indian made foreign liquor was recovered. The driver of the tractor disclosed the name of 'Ram Kumar Das @ Ramu Das' who is the petitioner in Cr. Misc. No. 48157 of 2023. So far the petitioner 'Dharmendra Singh' in Cr. Misc. No. 48343 of 2023 is concerned, he has been made accused in this case in the capacity of owner of the bullet motorcycle.

5. Learned counsel appearing on behalf of the petitioners submits that save and except the disclosure made by the driver of the tractor, there is no material suggesting the complicity of the petitioner 'Ram Kumar Das @ Ramu Das'. That apart, the alleged recovery has been made from a tractor which does not belong to him nor he has any concern with the



recovered illicit liquor. He further submits that so far the petitioner 'Dharmendra Singh' is concerned, save and except the fact that his bullet motorcycle was being driven by his brother 'Kundan Singh' though no recovery has been made from the said bullet motorcycle, there is no material suggesting his complicity. He lastly submits that both the petitioners bear fair antecedent and they undertake that they will fully cooperate in the investigation/trial.

6. On the other hand, learned counsel for the State opposes the pre-arrest bail application and submits that a huge quantity of illicit wine has been recovered and the name of the petitioners have transpired by the co-accused persons.

7. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners have no concern either with the tractor from where recovery has been made or with the recovered illicit wine, apart from their fair antecedent and their undertaking that they will fully cooperate in the investigation/trial, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with



two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge II, Banka in connection with Bounsi P.S. Case No. 22 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the local resident of the petitioners.

(Harish Kumar, J)

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