

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57096 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- JALALGARH District- Purnia

RAUSHAN KUMAR S/O ANIL CHOUDHARY R/O VILLAGE-
DILWARPUR, WARD NO.- 11 P.S.- BIDUPUR, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 57245 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- JALALGARH District- Purnia

MANGI Son of Karnail Singh Resident of - House No.- 12, Lalwas (167),
Ward No.- 12, P.S.- Ratinya, District - Fatehabad (Haryana).

... .. Petitioner/s

Versus

The State of Bihar

.. .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 57096 of 2022)

For the Petitioner/s : Mr.Ashish Kumar Ranjan, Advocate

For the Opposite Party/s : Mr.Nityanand, App

(In CRIMINAL MISCELLANEOUS No. 57245 of 2022)

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi, Advocate

For the Opposite Party/s : Mr.Khurshid Anwar, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 21-02-2023 As both the criminal miscellaneous petitions have arisen out of same P.S. case, hence they are being taken up and decided together.

Petitioners seek regular bail in connection with Jalalgarh P.S. Case No. 14 of 2022 registered for the offences punishable under Sections 272, 273 and 34 of the Indian Penal Code and Sections 30(a), 41 and 47 of Bihar Prohibition and Excise Act, 2016.

As per the prosecution, the police personnel acting



upon a secret information apprehended two persons, namely, Mangi (petitioner) and Gagandeep from a truck and upon search, approximately 14967.25 litres of foreign liquor was recovered from the alleged vehicle and name of Raushan Kumar (petitioner) transpired in the confessional statement of the apprehended persons.

The main submissions advanced by the learned counsel Mr. Rabindra Kumar Priyadarshi appearing for the petitioner (Mangi) in Cr. Misc. No.57245 of 2022 are that the petitioner was driver of the alleged vehicle and the alleged recovered incriminating article (wine) was not in his conscious possession and he is neither owner nor cosigner of the alleged recovered contraband and he has been anguishing in jail since 24.01.2022 having fair and clean antecedent. Further submission is that the petitioner has disclosed the name and address of the persons under whose command and control, he was driving the alleged vehicle and the owner of the truck has been made accused in the present matter.

It is submitted by learned counsel Mr.Ashish Kumar Ranjan appearing for the petitioner (Raushan Kumar) in Cr. Misc. No. 57096 of 2022 that against the petitioner, there are antecedents of two cases in which he has got bail and he has no



connection to the alleged truck from which the recovery of alleged wine was made and he was not apprehended at the spot and he was arrested in another P.S. case bearing Bidupur P.S. Case No.294 of 2022 in which he has got bail and remanded in the present matter from the said Bidupur P.S. Case No.294 of 2022. Further submission is that the name of this petitioner surfaced in the statement of co-accused Mangi and he has been languishing in jail since 28.06.2022.

Learned APPs appearing for the State have opposed the bail prayer of both the petitioners and fairly accepted that against the petitioner Raushan Kumar, there is no material in the case diary except the allegation made against him in the FIR.

In view of the facts, as stated above, this Court is not inclined to accept the bail prayer of the petitioner (Mangi) as he was apprehended at the spot with the alleged wine which was recovered in a very huge quantity from a truck and the said petitioner was found in the capacity of driver of the said truck, hence considering the recovery of the huge quantity of wine from possession of this petitioner, his prayer stands rejected.

However, petitioner (Mangi) may renew his prayer for bail after six months, if any significant progress with regard to initiation of his trial is not made.



So far as prayer of petitioner (Roushan Kumar) is concerned, as he was not apprehended at the spot and his name surfaced in the statement of co-accused persons, namely, Mangi and Gagandeep who were apprehended at the spot and except the statement of said co-accused persons, the prosecution has not brought any other material showing the petitioner's involvement in the alleged smuggling of the wine and as per learned APP, the investigation has been completed in the present matter, hence in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner **(Raushan Kumar of Cr. Misc. No.57096 of 2022)** be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Jalalgarh P.S. Case No. 14 of 2022.

(Shailendra Singh, J)

Sanjay/-

U		T	
---	--	---	--

