

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1115 of 2023

Arising Out of PS. Case No.-617 Year-2022 Thana- BIHTA District- Patna

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1. Dilbag Singh S/O Late Lakhichand Singh Resident of M.C. Wali Gali, New Diwan Nagar Kala Cant, P.S.-Diwan Nagar, Panipat, Hariyana.
 2. Monu Kumar S/O Dharam Singh Resident of Sakun, P.S.- Kharkhoda, District- Sonipat, District- Hariyana.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Kanchan Kumari, Advocate

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 19-04-2023 Heard the parties.

The petitioners are in custody since 24.6.2022 in connection with Bihta P.S. Case No. 617/2022 under sections 420, 467, 468, 465 of the Indian Penal Code and 30(a)/32(i)(ii) 367/41(i)(ii) of Bihar Excise Amendment Rule, 2018 lodged on 24.6.2022 by the informant Ranjeet Kumar.

The prosecution story, in brief, is that on 24.06.2022, the informant nabbed a Container, Truck bearing Registration No. UP-32MN-6096 along with two persons who told their names as Dilbag Singh and Monu Kumar and on search, altogether 2214 litres of illicit foreign made liquor was recovered from it.



It has been contended by the learned counsel for the petitioners that they being driver and cleaner of the said vehicle had absolutely no idea that the wine has been loaded on the said vehicle for which they have already suffered by being in custody since 24.6.2022 (as stated in para-11 of the petition).

Learned APP opposes the prayer for bail stating that 2214 liters of foreign liquor has been recovered/seized.

Considering the fact that they are driver and cleaner, have remained in custody since 24.6.2022, FIR having been lodged and ultimately will be facing the music, this Court is inclined to grant them the privilege of bail with conditions:

Let the petitioners be released on bail, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Excise Judge, Danapur, Patna, in connection with Bihta P.S. Case No. 617/2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their



bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for next six months to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

Ravi/Kiran

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