

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7790 of 2024

Arising Out of PS. Case No.-120 Year-2021 Thana- JAMHOR District- Aurangabad

Bhim Singh S/O Prakash Chandra R/O Village- Khilka Morh, P.S- Dhrampur,
Distt.- Solan(Himachal Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Seema Ghazala, Adv.

For the Opposite Party/s : Ms. Dr. Indiwari Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 15-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Jamhor
P.S. Case No. 120 of 2021 instituted for the offences under
Sections 420, 467, 468, 120(B)/34 of the Indian Penal Code and
Section 30(a) of the Bihar Excise and Prohibition “Amendment”
Act, 2018.

3. As per prosecution case, the police, on receipt of
secret information, intercepted a Tata Truck bearing Registration
No. HP71-8769 and apprehended the petitioner (co-driver) and
another co-accused Ajay Kumar (Driver). On search, altogether
3518.640 liter illegal liquor was recovered from the truck.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is a co-driver of the truck, in question, and was not aware of the contents of the material loaded in the truck. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. There is a violation of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution story. The petitioner is languishing in judicial custody since 31.08.2021.

5. Learned counsel for the petitioner again submits that the driver of the truck namely Ajay Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 18.05.2023 passed in Cr. Misc. No. 25374 of 2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner as also the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Jamhor P.S. Case
No. 120 of 2021.

(Rudra Prakash Mishra, J)

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