

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34158 of 2024

Arising Out of PS. Case No.-110 Year-2021 Thana- GORAU District- Vaishali

Pintu Kumar @ Pintu Chaudhary Son of Late Naresh Chaudhary @ Naresh
Jaiswal R/O Village- Sahbajpur, Puraina, P.S.- Patepur, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms.Asha Devi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Goraul (Kathara O.P.) P.S. Case No. 110 of 2021 registered for the offences punishable under Sections 272, 273, 414, 34 of the I.P.C. and Sections 30(a) (ii) and 41(i) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, altogether 2439.720 litres foreign liquor was recovered from the Tata Truck, Omni car and Pick-up van in question.

4. Learned counsel for the petitioner submits that petitioner is not named in F.I.R. During the course of investigation, the name of the petitioner has been transpired in this case as an owner of Pick-up van bearing Registration no. BR06G8465.



Learned counsel orally submits that the said Pick-up van in question is commercial vehicle. He further submits that from the perusal of seizure list, it appears that 864 litre Indian made foreign liquor was recovered from the said Pick-up van in question but the said vehicle is commercial vehicle, so, the petitioner is not in any connected with the alleged occurrence. There is no compliance of Section 100 of Cr.P.C. Petitioner is in custody since 17.02.2024, as mentioned in impugned order and he bears criminal antecedent of one case in which he is on bail. Petitioner is not apprehended on the spot. Petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits that co-accused Avinash Ranjan Kumar @ Tinku who has not been apprehended on the spot, has already been granted bail by this Court vide Cr. Misc. No. 41143 of 2022 and the case of present petitioner stands on similar footing. Hence, he deserves bail.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, petitioner is not apprehended on the spot, argument advanced on behalf of both sides and also taking into consideration the material



available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 01 cum A.D.J. Vaishali at Hajipur in connection with Goraul (Kathara O.P.) P.S. Case No. 110 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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