

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60282 of 2024

Arising Out of PS. Case No.-104 Year-2024 Thana- CHAKAI District- Jamui

1. Rajeev Kumar Son of Dilip Sahini Village- Nagha Khurd(Pathratand), P.S-
Jamuwa , Distt.- Giridih
2. Rajeev kumar son of pradeep shah R/O- Jamuwa Bazar, P.S-Jamuwa , Distt.-
Giridih

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Anjani Pd. Singh

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-08-2024 Heard learned Advocate for the petitioners and
learned Additional Public Prosecutor for the State.

2. This is an application for grant of bail to the petitioners, who are in custody in connection with Chakai P.S. Case No. 104 of 2024 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. In course of patrolling, on secret information the police intercepted a pick up van bearing registration No. JH10AG 5945 and apprehended one Sujeet Mandal, who is said to be the driver of the pick up van. On search, total 549 litres of



Indian made foreign liquor was recovered. The apprehended person disclosed the name of the petitioners as consignee of the illicit wine.

4. Learned Advocate for the petitioners contended that the petitioners have nothing to do with the pick up van in question nor with the illicit wine. However, only on account of disclosure made by the driver of the pick up van their names have been implicated in this case. It is next contended that in fact on account of one past criminal antecedent of identical nature, their names have been implicated in this case. Moreover, there is other infirmities in the search and seizure. Witnesses are none else but the police personnel, as such, there is a complete defiance of Section 100 Cr.P.C. The petitioner no. 1 is in custody since 25.06.2024 whereas petitioner no. 2 is 16.07.2024.

5. On the other hand, learned APP for the State opposes the bail application and submits that the huge quantity of illicit wine has been recovered.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case against the petitioners is based upon the suspicion and the disclosure made by the co-accused person, moreover the



petitioners have neither any concern with the pick up van nor with the illicit wine and the investigation of the crime is complete, let the petitioners, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court-1st, Jamui in connection with Chakai P.S. Case No. 104 of 2024, subject to the condition that one of the bailors shall be the own/close family members of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take immediate step for cancelling the bail



bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

Anjani/-

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

