

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76772 of 2023

Arising Out of PS. Case No.-217 Year-2023 Thana- SARAI District- Vaishali

1. Mukesh Kumar S/O Subhash Chand Resident Of Village- Dobra Chirawa P.S.-SURAJGARH, District-Jhunjhun, Rajashthan Pin-333031
2. Vinod Kumar S/O Norang Lal Resident Of Flat No.102, Sirdi Saibaba Colony, Sirdi Saibaba Temple, Tirumalagiri, P.S.- Balanagar, District-Tirumalagiri, Telangana, Permanent Resident At Village- Loharu, P.S.- LOHARU, District-Bhiwani, Haryana.
3. Naresh Kumar Sharma @ Shyamjee S/O Hanuman Sharma Resident Of Plot No.22, Venkateshwar Colony, Near Bank Colony, Suchitra Qutubullapur, K.V. Rangareddy, P.S.-PET Bashirabad, District- Qutubullapur, Andhra Pradesh Pin-500055

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Gangesh Gunjan
For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-02-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Section 420 and 120-B of the Indian Penal Code and sections 30(c)(d), 32(a)(ii)(iii) of the Excise Act.

3. The learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the allegation is of recovery of 5722 Kgs of cartoon from a Truck in which the cap of liquor bottles was recovered. It is next submitted that petitioners were not arrested from the spot, as such, nothing was



recovered from their conscious possession. It is also submitted that petitioner no. 2 is the owner of the said Truck, petitioner no. 3 is the transporter and petitioner no. 1 introduced driver of the truck to petitioner no. 2. It is next submitted that truck was going from Hyderabad to Siliguri and contained cap of liquor bottles for which the petitioner owned proper documents. It is thus submitted that police in mechanical manner implicated petitioners in the present case. It is also submitted that petitioners will not abscond and rather will cooperate in the investigation.

4. Learned A.P.P. opposes the bail application.

5. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,00/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No. 2, Vaishali at Hajipur in connection with Sarai P.S. Case No. 217 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

6. The application stands allowed.

(Satyavrat Verma, J)

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