

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.530 of 2024

Arising Out of PS. Case No.-155 Year-2021 Thana- GANGABRIDGE District- Vaishali

Shiv Kumar S/O Late Ram Chandra Rai R/O Village- Akbarpur, P.S.-
Bhagwanpur, Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Adv.

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

3 01-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Ganga Bridge P.S. Case No. 155 of 2021 instituted for the offences under Sections 467, 468, 471, 420 and 120(B) of the Indian Penal Code as well as Sections 30(a), 36 and 41(1) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, the police has recovered altogether 4290 liter of Indian made foreign liquor from the truck bearing Registration No. HR-57A-6818. It is alleged that on seeing the police vehicle, the persons present at the spot tried to flee away but, nine of them were apprehended.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the



present case. The petitioner is not named in the F.I.R. and his name has surfaced in this case during investigation on the disclosures made by the driver of the alleged truck Sunil Kumar. The petitioner has no concern with the alleged wine or the seized vehicle as also he has no concern with the other accused persons. The petitioner has one criminal antecedent as has been stated in paragraph no.3 of the present bail application in which he is on bail. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 03.10.2023.

5. Learned counsel for the petitioner again submits that the arrested persons and other named persons have been allowed bail by a Co-ordinate Bench of this Court vide orders dated 25.02.2023, 29.09.2022, 18.08.2022, 17.08.2022 and 17.08.2022 passed in Cr. Misc. Nos. 75022 of 2022, 66106 of 2021, 72220 of 2021, 67670 of 2021 and 66377 of 2021 respectively. He further submits that two named persons have also been allowed anticipatory bail by the Co-ordinate Bench of this Court vide orders both dated 13.05.2022 passed in Cr. Misc. Nos. 18274 of 2022 and 6740 of 2022 respectively.

6. Learned A.P.P. for the State has vehemently



opposed the prayer for grant of bail to the petitioner and stated that from perusal of the case diary, it appears that the petitioner was in continuous contact by phone with the accused Sunil Kumar who brought the alleged liquor from Harayana on alleged truck. He further submits that from the impugned order itself, it appears that in Para 9, 10, 11 and 12 of the case record, several witnesses have supported the prosecution case. He further points out that the alleged recovery of wine is commercial in nature and thus, the petitioner does not deserve bail.

7. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner as also the claim for bail being based on parity, 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 Ganga Bridge P.S. Case No. 155 of 2021.

(Rudra Prakash Mishra, J)

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