

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39420 of 2017

Arising Out of PS.Case No. -263 Year- 2017 Thana -BARAUNI District- BEGUSARAI

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1. Pradeep Kumar Rai, s/o Suryonath Rai, resident of Bhalka, P.S. – Kumar Guram, District – Alipur Dwar (West Bengal)
 2. Hari Shankar Adhikari, son of Lankeshwar Adhikari, R/o 182, Sarodih, P.S. – Mekhliganj, District – Koochvihar (West Bengal)
 3. Paras Sah, son of Ram Lal Sah, R/o Ram Karan Pakri, P.S. – Chakia, District -East Champarn (Motihari)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Miss Aishwarya Shri
Sri Manoj Kumar

For the Opposite Party/s : Sri Damodar Prasad Tiwary, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 19-08-2017 Heard Miss Aishwarya Shri, learned counsel , assisted by Sri Manoj Kumar, learned counsel for the petitioners and Sri Damodar Prasad Tiwary , learned Additional Public Prosecutor .

Three petitioners , who are co –drivers and conductor of a public carrier and in custody since 17.07.2017 in Barauni P.S. Case No. 263 of 2017 registered for the offence under section 188, 34 of the Indian Penal Code 1860 and section 30(A) of the Bihar Prohibition and Excise Act , 2016 have prayed for grant of bail.

It was submitted by learned counsel for the petitioners that being drivers of a public carrier, they were not aware as to whether any passenger was carrying liquor or not , but near the



seat no. 44 of the bus recovery of about 34.890 liter of Indian make foreign liquor was shown and petitioners were arrested. Petitioner no. 1 and 2 are co- drivers whereas petitioner no. 3 is conductor of the bus. They were not at all aware whether any passenger was carrying liquor or not but they have been arrested in the present case and are in custody since 17.07.2017 . Learned counsel for the petitioners by way of referring to the statement made in paragraph no. 3 of the petition submits that petitioners are having clean antecedent.

Considering the nature of accusation and clean antecedent of the petitioners as well as the fact that recovery was effected from a public carrier , there is no reason to further detain the petitioners i.e. the drivers and conductor of the bus.

Let the petitioners Pradeep Kumar Rai, Hari Shankar Adhikari , Paras Sah be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Shri Anil Kumar Sinha, learned Addl. Sessions Judge 7th , Begusarai - cum - Special Judge, Bihar Prohibition & Excise Act, 2016 / concerned court in connection with Barauni P.S. Case No. 263 of 2017.

(Rakesh Kumar, J)

Praful/-

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