

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45943 of 2018

Arising Out of PS.Case No. -400 Year- 2018 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

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1. Yogendra Singh @ Jogendra Singh son of Puri Singh resident of Kairi,
P.S. Garoup, District- Jammu (Jammu Kashmir).
2. Raushan Singh son of Pritam Singh resident of Maira Mathiya, P.S.-
Akhnaur, District- Jammu (Jammu Kashmir).

... Petitioners.

Versus

The State of Bihar.

.... Opposite Party.

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Shailendra Kumar -2

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**
ORAL ORDER

03 21-08-2018 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners seek bail in a case registered for the offence punishable under Sections 420 and 120-B of the Indian Penal Code and Section 30 (a) & 38 (1) of the Bihar Prohibition and Excise Act, 2016.

4781.88 liters of foreign liquor is said to have been recovered from the truck and petitioner no.1-Yogendra Singh @ Jogendra Singh who happens to be driver and petitioner no.2-Raushan Singh who happens to be Khalasi of the truck were apprehended along with other accused persons.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from the conscious



physical possession of the petitioners. They have no concern with the seized liquor. They happen to be driver and khalasi of the truck in question and they have been directed by their owner to transport the sunflower seeds to Siliguri furnishing him the invoice of said article and as per instructions of their owner, they were transporting the same without any knowledge of keeping of the liquor in the carton by its owner. They had also furnished the aforesaid invoice to the police at the time of seizure of the truck which is adumbrated in the written report itself. There is violation of Section 100 Cr.P.C. They have no criminal antecedent and have been languishing in custody since 24.06.2018.

In the facts and circumstances of the case, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-II-cum-Special Judge, Vaishali at Hajipur in connection with Vaishali Sadar P.S. Case No.400 of 2018.

(Prakash Chandra Jaiswal, J)

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