

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41647 of 2018

Arising Out of PS.Case No. -73 Year- 2018 Thana -SIKANDARA District- JAMUI

- =====
1. Sachin Kumar, Son of Somraj, resident of village & Police Station- Digwana Ashram, District- Jammu (Kashmir).
 2. Kundan Kumar, Son of Chandu Ram, Resident of Babanbigha, Police Station- Barbigha, District- Sheikhpura.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md.Imteyaz Ahmad

For the Opposite Party/s : Mr. Shantanu Kumar

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 24-07-2018 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners seek bail in a case registered for the offence punishable under Sections 272, 273, 467, 468, 471 and 420/34 of the Indian Penal Code and Sections 30 and 30(a) of the Bihar Prohibition and Excise Act, 2016.

3281.76 litres of foreign liquor is said to have been recovered from a truck and the petitioners who happen to be driver and khalasi of the said truck were apprehended.

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 had no knowledge of



keeping of the aforesaid liquor in the truck. They have been falsely implicated in the case by the consignee. They have no criminal antecedent. They have been languishing in custody since 01.04.2018.

Learned APP vehemently opposing the bail petition submitted that huge quantity of foreign liquor has been recovered from the truck and the petitioners being the driver and khalasi of the said truck had knowledge of keeping of the liquor in the truck. Hence, they do not deserve bail.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioners on bail. Prayer for bail of the petitioners is rejected.

However, learned Trial Court is directed to conclude the trial as expeditiously as possible preferably within six months from the date of receipt/production of a copy of this order and S.P., Jamui is directed to ensure production of the witnesses in the case on each and every date fixed without fail.

Let a copy of this order be communicated to S.P., Jamui by fax for needful.

(Prakash Chandra Jaiswal, J)

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