

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13359 of 2019**

Arising Out of PS. Case No.-87 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai *

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1. Suraj Kumar Verma, Son of Umesh Prasad Verma Resident of Jharia Katras More, Chauthaikuli, Tiwari Mandir, P.S.- Jharia, District- Dhanbad (Jharkhand)
 2. Ajay Shankar Dubey, Son of Late Sureshwar Dubey Resident of Lower Chauthaikulhi, Near Hari Mandir, Jharia Katras More, P.S.- Jharia, District - Dhanbad (Jharkhand)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabi Bhushan
For the Opposite Party/s : Mrs. Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-03-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioners are languishing in custody since 25.11.2018 in connection with Excise Case No.87C2 of 2018 registered for the offences punishable under Sections 30(a), 32, 41, 56(a), 56(b) of the Bihar Prohibition & Excise Act, 2016.

Prosecution case as per the FIR is that on 24.11.2018, on secret information, while checking the vehicle, 717.84 litres of Indian made foreign liquor were recovered in a truck and the petitioners being the cleaner and the driver-cum-owner were apprehended from the place of occurrence.



It is submitted by learned counsel for the petitioner that the petitioner No.1 is driver-cum-owner of the truck and petitioner no.2 is Khalasi of the intercepted truck. It is further submitted that the petitioners have falsely been roped in the present case and petitioners had no knowledge about the seized liquor being loaded in the truck in question. It is further submitted that the statement made in paragraph no.3 of the bail application that the petitioners are not having criminal antecedent.

Learned A.P.P. has vehemently opposed the prayer for bail and submits that recovery has been made from the truck being driven by the petitioners.

Considering the fact that the investigation has already been completed coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners 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 learned 2nd Additional District and Sessions Judge-cum-Special Judge (Excise), Lakhisarai in connection with Excise Case No.87C2 of 2018, with a condition that petitioners shall not indulge in any similar offence till conclusion of the trial and



the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court below.

(Dinesh Kumar Singh, J)

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