

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28262 of 2019

Arising Out of PS. Case No.-58 Year-2019 Thana- KISHANGANJ District- Kishanganj

1. VIRENDRA KUMAR PANDEY @ VIRENDRA PANDEY Son of Satyadev @ Satyadev Pandey Resident of Village - Roshan Nagar, Bakarganj, P.S.- Maharajganj in the district- of Faizabad (U.P.)
2. Sunil Pal Son of Late Asharam Pal @ Late Asharai Pal Resident of Village - Pura Bazar, P.S.- Maharajganj in the district- of Faizabad (U.P.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate.

For the Opposite Party/s : Mr. Bishweshwar Ram, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 01-05-2019

Heard learned counsel for the petitioners and the State.

The petitioners seek bail in **Special Case No. 42 of 2019 arising out of Kishanganj P.S. Case No. 58 of 2019**, instituted for the offence under Section(s) 30(a) and 41(i) of Bihar Prohibition and Excise (Amendment) Act, 2016.

It is alleged in the written report that one truck was intercepted by the Police in Kishanganj on which foreign liquor was found loaded. On search, 3139.500 litres of foreign liquor has been recovered. *Driver* and *Khalasi* of the truck produced papers of the liquor which showed that aforesaid liquor was to be transported from Orissa to Silliguri (Bengal). The truck was seized by the Police only on suspicion as alleged in the written report. There was overwriting in the Challan. It is mentioned in the written report that paper of



Government of Orissa was produced with respect to transporting the goods. Petitioners are *Driver* and *Khalasi* of the aforesaid truck.

It is mentioned in paragraph-9 of the bail petition that petitioners showed all the papers relating to transportation of the liquor as well as proper authorization of the Company for transportation of the loaded liquor from Orissa to West Bengal, but Police illegally intercepted the truck during transit and arrested petitioners.

Petitioners are in custody since 1.2.2019 having clean antecedent.

Considering the aforesaid facts and circumstances of the case, prayer of the petitioners for grant of bail is allowed. Let the petitioners above named, be released 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 **Additional Sessions Judge-II-cum Special-Judge (Excise), Kishanganj**, in connection with **Special Case No. 42 of 2019 arising out of Kishanganj P.S. Case No. 58 of 2019**, subject to the condition that both the bailors will be close relatives of the petitioners.

(Sanjay Priya, J)

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