

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37935 of 2019

Arising Out of PS. Case No.-85 Year-2019 Thana- KISHANGANJ District- Kishanganj

1. BISU RAM Son of Kusheshwar Ram Resident of Village B-4/. Biwari Palli, P.S.- Colony, District- Nadiya (W.B.).
2. Sanjay Das @ Sanjay Ram Son of Late Sukhdeo Das Resident of Village- Batta Bazar, P.S.- Colony, District- Nadiya (W.B.).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 21-06-2019 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in connection with Kishanganj P.S. case no. 85 of 2019, Spl. case no. 64 of 2019 instituted for the offence under Section(s) 30(a) of Bihar Prohibition & Excise Act, 2016.

Learned counsel for petitioners has submitted that petitioners are driver and Khalasi of the vehicle. The vehicle was loaded with beer which was to be delivered in Siliguri. The vehicle has been hired by the Company for sending the Government beer from Memari to Siliguri for which the transport pass was issued in favour of the vehicle of the driver



on which total 3600 litres of beer was loaded which also tally with the FIR and description of liquor which is evident from the document. Copy of transport pass has been annexed as Annexure-2 to bail petition. The owner of vehicle is Nema Dutta which is evident from the document issued by the Transport department, West Bengal.

Learned counsel for petitioners has submitted that transport route specification is Memari, Morgram, Malda, Siliguri and only 4 km entering is in district of Kishanganj. The vehicle has been seized by the police in Kishanganj and the accused persons were arrested. The vehicle has already been released in favour of the petitioner vide judgment dated 21.5.2019 passed in CWJC No. 10439 of 2019.

Petitioners are in custody since 16.2.2019 having no criminal antecedent.

Considering the aforesaid, 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 the learned Additional District and Sessions Judge II-cum-Special Judge (Excise Act), Kishanganj in connection with Kishanganj P.S. case no. 85 of 2019, Spl. case no. 64 of 2019, subject to the condition that both



the bailors shall be the close relative of the petitioners.

(Sanjay Priya, J)

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