

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44647 of 2019

Arising Out of PS. Case No.-83 Year-2019 Thana- GUTHANI District- Siwan

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1. Krishna Swami, Son of Rampal Swami @ Ramphal, Resident of Village - Rithaw, P.S.- Farmana, District- Sonipat (Hariyana)
 2. Raju Singh, Son of Pappu Singh, Resident of Village - Takpur, P.S.- Laxmi Chowraha, District- Agra (U.P.).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 16-09-2019 Heard learned counsel for the petitioners and the learned counsel appearing on behalf of the State.

The petitioners are in custody since 29.05.2019 in connection with Guthni P.S. Case No.83 of 2019 registered for the offence under Sections 420, 465, 468 and 471 of the Indian Penal Code and Sections 30(a), 38(i) and 41(i) of the Bihar Prohibition & Excise Act, 2016.

Learned counsel for the petitioners submits that the alleged recoveries were from the vehicle, of which the petitioner no.1 is the Driver and the petitioner no.2 is the *Khalasi* and were not from their conscious possessions, rather they had loaded the cartons of *Kachari Papad* which was



subsequently turned out to be liquor. There is no element of fraud under Section 420 I.P.C. as has been alleged in the F.I.R., rather they are merely the Driver and *Khalasi* of the vehicle in which such materials had been transported by the concerned owner of the aforementioned cartons. It is further submitted that the petitioners are not having any criminal antecedent, but are languishing in jail for no fault of theirs.

Considering the entire facts and circumstances of the case, let the petitioners, above named, be released on bail on their furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-Cum-Special Judge, Excise, Siwan, in connection with Guthni P.S. Case No.83 of 2019.

(Anjana Mishra, J)

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