

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71793 of 2019

Arising Out of PS. Case No.-51 Year-2019 Thana- BAUSI District- Purnia

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1. Dinesh @ Dinesh Kumar @ Dinesh Singh, Son of Chova Singh Resident of Village - Khakor, P.S.- Jahangirabad, Distt - Bulandshahar.
 2. Yogendra Singh Son of Braj Raj Singh Resident of Village - Bhimiyari, P.S.- Babugadh, Distt - Hapur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

Ms. Sanjana, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 21-11-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Baisi P.S. Case no. 51 of 2019, registered under Sections 272 and 273 of the Indian Penal Code and Section 30(a), 41, 47 of the Bihar Prohibition and Excise Act, 2016.

The accusation is that in course of checking of the vehicle near Baisi Chowk, two trucks bearing registration Nos. HR74-3935 and UP13AT-9473 were seen covering with Tripal. On query, the driver of the aforesaid trucks disclosed their names Dipak Kumar and Vinod Kumar @ Harendra Singh. On



search of truck bearing registration No. HR74-3935, 08 cartons, each containing 12 bottles of 750 ML, 65 cartons, each containing 24 bottles of 375 ML and 107 cartons, each containing 48 bottles of 180 ML Indian made foreign liquor recovered. Whereas, on search of truck bearing registration No. UP13AT-9473, 103 cartons, each containing 12 bottles of 750 ML, 50 cartons, each containing 48 bottles of 180 ML, 10 cartons, each containing 12 bottles of 750 ML and 3 cartons each containing 24 bottles of 375 ML Indian made foreign liquor recovered and both drivers disclosed that at the instruction of Md. Haji, the bottles of liquor loaded for unloading the same at Gulabbagh, Purnea.

Learned counsel for the petitioners submits that both the petitioners are owner of truck bearing registration Nos. HR74-3935 and UP13AT-9473, respectively, and both the trucks were engaged in transportation for livelihood and petitioners had no knowledge about loading of alleged liquor on the trucks by the driver or any one. The petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below



within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the A.D.J-II-cum-Special Judge, Excise Act, Purnea in connection with Baisi P.S. Case no. 51 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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