

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1201 of 2020

Arising Out of PS. Case No.-373 Year-2019 Thana- BARACHATTI District- Gaya

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1. CHHOTE LAL PRAJAPATI Son of Bartu Prajapati Resident of Village-Chorgama, P.S.-Balbaniya, District-Bokaro (Jharkhand).
 2. Kuldeep Prajapati Son of Late Bhathan Prajapati Resident of Village-Chorgama, P.S.-Balbaniya, District-Bokaro (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Prasad, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 19-10-2020 Heard learned counsel for the petitioners and learned APP for the State through video conferencing.

The petitioners have filed the instant application for grant of regular bail in connection with Barachatti P.S Case no. 373 of 2019 registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the FIR, on search being conducted a total quantity of 1079 litres of illicit liquor was recovered from a truck of which the petitioners are stated to be the driver and khalasi.

It is submitted by learned counsel for the petitioners that no recovery as alleged has taken place and they have been falsely implicated in the case. It is further submitted that they were not aware of the goods loaded on the truck and they were merely engaged to drive the said vehicle for transporting the goods. The petitioners are in custody since 23.8.2019.



The application for bail is opposed by learned APP for the State.

The antecedent report of the petitioners was called for from the Superintendent of Police, Gaya and the same has been received. As per the report, the petitioners have no criminal antecedent.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case together with the petitioners being in custody for more than a year, the Court is inclined to enlarge the petitioners on bail. The petitioners are directed to be enlarged on bail in connection with Barachatti P.S Case no. 373 of 2019 on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Gaya.

It is further directed that out of two bailors one will be the close relative while the other will be a resident of the same district where the FIR has been instituted.

(Partha Sarthy, J)

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