

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22398 of 2020

Arising Out of PS. Case No.-311 Year-2019 Thana- SAMASTIPUR District- Samastipur

1. DEVENDRA KUMAR S/O Bijendra Singh R/V- Dalawas, P.S. Badara, District - Charki Dadri (Bhiwani), Hariyana.
2. Samraj Kumar S/O- Rajesh Kumar R/V- Dwarka, P.S. Badara, District - Charki Dadri (Bhiwani), Hariyana.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar

For the Opposite Party/s : Mr.Madan Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-09-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For
Orders' under the orders of Hon'ble the Chief Justice.

Learned counsel for the petitioners is directed to
remove the defects, as pointed out by the office, within a period
of four weeks from the date of lifting of the lockdown in the
State of Bihar.

Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in a case instituted for the
offences under Sections 30(a) of the Bihar Prohibition and



Excise Act, 2016.

Prosecution case, in short, is that 2565 liters wine is recovered.

The earlier bail application of the petitioners was rejected vide Annexure 1 to the present application by a coordinate Bench of this Court with an observation 'at this stage' and a liberty was granted to the petitioners to renew their prayer once the charge is framed.

It has been submitted that in pursuance of the said observation, the charge has been framed and hence the present application has been filed.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 07.12.2019 and have got no criminal antecedent. Charge sheet has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioners. It is alleged that 2565 liters wine is recovered from the truck. The petitioners are the driver and cleaner of the truck in question. They had no knowledge regarding the goods booked by the transporter. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R./complaint case.



Considering the aforesaid facts and circumstances,
let the petitioners, above named, be released on bail on
furnishing bail bonds of Rs.10,000/- (Ten thousand) with two
sureties of the like amount each to the satisfaction of Additional
Sessions Judge-cum-Special Judge (Excise), Samastipur in
connection with Samastipur (Town) P.S. case No.311 of 2019.

(Sudhir Singh, J)

Narendra/-

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