

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20906 of 2020

Arising Out of PS. Case No.-206 Year-2019 Thana- GOPALPUR District- Gopalganj

1. Shiv Kumar, aged about 20 years, male, son of Rajesh Kumar, resident of village- Hashe, P.S.-City, District- Hisar (Haryana).
2. Lal Babu Kumar, aged about 24 years, male, son of Lalit Mahto @ Lalit Narayan Mahto, resident of village- Bujurg dowar P.S- Khanpur, District -Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasiya, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 03-07-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Prateek Tandan, learned counsel for the petitioners and Mr. Pawan Kumar Chaurasia, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners are in custody in connection with Gopalpur P.S. Case No.206 of 2019 dated 05.11.2019 instituted under Sections 30(a), 32(2) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

4. This is the second attempt for bail by the



petitioners as earlier such prayer was rejected by order dated 04.02.2020 in Cr. Misc. No.6147 of 2020, wherein, it was observed that if the trial is not concluded within a period of four months, the petitioners may renew their prayer for bail.

5. As per the allegation, 1124.790 litres of illicit liquor was seized from the tractor along with trolley of which the petitioners were driver and *khalasi* respectively.

6. Learned counsel for the petitioners submitted that there has not been recovery from the conscious possession of the petitioners and even the recovery, which is said to have taken place is from the trolley, which was not in the knowledge of the petitioners as they had not loaded it and were only driving the vehicle at the behest of the owner. It was submitted that the petitioners are in custody since 06.11.2019.

7. Learned APP submitted that huge quantity of illicit liquor has been recovered from the tractor and trolley of which the petitioners were driver and *khalasi* and when the police had tried to stop the vehicle, they did not stop and tried to flee away and upon chase, the vehicle was caught and the petitioners were arrested. It was submitted that such conduct of the petitioners the fact that from the trolley attached to the tractor, which is an open vehicle, loading of such huge quantity of illicit liquor



packed in cartons could not have been without the full knowledge of the petitioners. Further, it was submitted that even the tractor was without any number plate, which clearly shows that it was being used with the intention of committing crime and transportation of illicit liquor.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioners on bail.

9. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

J. Alam/-

AFR/NAFR	
U	
T	

