

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26281 of 2020

Arising Out of PS. Case No.-427 Year-2019 Thana- BRAHMPURA District- Muzaffarpur

1. JATINDER SINGH @ JITENDER SINGH Son of Beyant Singh Resident of Village- Malkani Patty Badwar, P.S.- Dhanaul Barnala, District- Barnala, Punjab
2. Mathuralal Rawat Son of Jamunlal Jee Resident of Village- Chittar, P.S. and District- Chhittorgarh, State - Rajasthan.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 19-10-2020 As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Mr. Shailendra Kumar Singh, APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General. Henceforward his name may also be printed in the cause list.

Heard learned Counsel for the petitioners and the learned Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in Brahmpura PS Case No. 427 of 2019 registered under Sections 272, 273, 290 of the IPC and Sections 30(a)(d) (e) (f) and 41 of Bihar Prohibition and Excise Act, 2016 .

2420.160 liters illicit Indian made Foreign Liquor is



allegedly recovered from the truck. The petitioners are alleged to be Driver and Khalasi (Cleaner).

Learned Counsel for the petitioners submits that the petitioners were bonafide Driver and Khalasi having no knowledge about the liquor being kept in the boxes on the truck. If the petitioners had any knowledge they would not have carried their own Driving Licence, Pan Card, ATM etc. which as per seizure list has been recovered on the person of the petitioners. The petitioners have become victim of the circumstances and now have been in custody since 22.12.2019 i.e. about ten months. Petitioners have no criminal antecedent.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioners is allowed.

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 Special Judge, Excise Act, Muzaffarpur. in Brahmpura PS Case No. 427 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

SNkumar/-

U		T	
---	--	---	--

(Madhuresh Prasad, J)

