

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24128 of 2020

Arising Out of PS. Case No.-77 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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1. BIKRAM KUMAR Son of Oshihar Singh Resident of Village- Bhamopali, Ward No.-7, P.S.- Badahariya, Distt- Siwan.
 2. Dinesh Kumar S/o Haricharan Bhagat Resident of Village- Puraina, Ward No.-10, P.S.- Badahariya, Distt- Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 18-09-2020 Heard Mr. Pankaj Kumar Dubey, learned counsel for the petitioners and Mr. Yogendra Kumar Singh, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners seek regular bail in connection with Excise Complaint Case No. 77 of 2020 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation against the petitioners as per the First Information Report is that the Excise officials intercepted one Scorpio vehicle and recovered 266.400 litres of illicit liquor from the same. During course of seizure, the petitioners were



arrested from the vehicle in question.

Learned counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged inasmuch as petitioner No. 1 was driver and petitioner No. 2 was *Khalasi* of the Scorpio vehicle and they were plying the vehicle on the direction of its owner. Learned counsel for the petitioners further submits that the petitioners are not the owner of the vehicle in question and they were not aware of the liquors being kept in the alleged vehicle by its owner. Learned counsel also submits that the petitioners have no criminal antecedents and they are in custody since 13.03.2020.

Having regard to the submissions made by the parties and taking into consideration the materials on record and also the fact that the petitioners have got no criminal antecedents and they are not the owner of the vehicle in question, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge II cum Special Judge, Excise, Gopalganj, in connection with Excise Complaint Case No. 77 of 2020.



It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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