

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 27396 of 2020**

Arising Out of PS. Case No.-97 Year-2020 Thana- BOCHAHAN District- Muzaffarpur

1. SUKHDEV SINGH S/o Karnal Singh Resident of Chur Chak, Nasahara Majja Singh, P.S.-Kaleyar Kalak, District-Gurdaspur, Punjab.
2. Sukhmendra Singh S/o Prem Singh Resident of Village-Mahnudpur, P.S.-Ganda Kheri, District-Patiyala, Punjab.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Sumit Shekhar Pandey, Advocate

For the Opposite Party/s : Mr Kumar Virendra Narayan, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 20-10-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

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

Heard learned counsel for the petitioners.

Mr Kumar Virendra Narayan, APP is appearing as it is submitted that the brief has been allotted to him by the Office of Advocate General. His name may also be printed in the cause list.



The petitioners seek bail in Bochaha Police Station (for brevity, *PS*) Case No 97 of 2020 instituted for the offence punishable under Section 272, 273 of Indian Penal Code and Section 30 (a) of Bihar Prohibition and Excise Act, 2018.

924.480 liters of illicit liquor is said to have been seized from the truck, being driven by petitioner No 1. Petitioner No 2 is said to be the Khalasi (Cleaner).

It is submitted by petitioners' counsel that the petitioners were bona fide rendering their services as Driver and Khalasi, oblivious of the contents, loaded on the truck. They are having no criminal antecedent and are in custody since 15.04.2020. Submission is that they would ensure their appearance on day-to-day basis at the trial so as to facilitate quick disposal of the same.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, subject to fulfillment of the undertaking given by the petitioners' counsel on behalf of the petitioners, prayer for bail is allowed. Let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



Special Judge, Excise, Muzaffarpur, in Bochaha PS Case No 97
of 2020 subject to the following conditions:-

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

(ii) That the petitioners will be well represented on
each date and if they fail to do so on two consecutive dates, their
bail bond will be liable to be cancelled.

Learned counsel for the petitioners is expected to
honour his undertaking given in the instant proceedings today
for depositing requisite Court fee and removing the defect (s), as
pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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