

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31268 of 2020

Arising Out of PS. Case No.-76 Year-2020 Thana- MUSRIGHRARI District- Samastipur

1. Javed, aged about 36 years, Male, S/o Tahir Husain, R/o- Village- Safiyabad Lodi, Mundali, District- Meerut, U.P.
2. Aarif @ Arif, aged about 27 years, Male, S/o Khilafat, R/o Ajrara, P.O.- Khargida, P.S.- Mundali, District- Meerut, U.P.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Sumit Shekhar Pandey, Advocate.
For the Opposite Party : Mr. Jitendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-12-2020 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 after restoration of normalcy.

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

The petitioners seek bail in a case for the offence registered under Sections 30(a) and 41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2018.



The prosecution story, in brief, is that total 2628.720 liters wine is said to have been recovered from the Truck in question.

It has been submitted by learned counsel for the petitioners that the petitioners are languishing in custody since 10.07.2020 and have got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. It is alleged that total 2628.720 liters wine is recovered from the Truck in question. The petitioners are said to be driver and co-driver of the Truck in question. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners had no knowledge regarding the nature of goods booked by the Transporter. They have got no concern with the alleged occurrence. 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.

Considering the facts and circumstances of the case, the petitioners above named, is directed to be released on bail on



furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Samastipur, Bihar, in connection with Musarigharari P.S. Case No. 76/2020.

(Sudhir Singh, J)

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