

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.767 of 2020

Arising Out of PS. Case No.-248 Year-2019 Thana- KARJA District- Muzaffarpur

1. Kundan Singh, Son of Dhanraj Singh Resident of Village - Gorakhpur, P.S.- Bhuna, District- Fatehabad (Haryana)
2. Basau Kumar Son of Ishwar Singh Resident of Village - Gorakhpur, P.S.- Bhuna, District- Fatehabad (Haryana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Asha Devi

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 21-01-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Karja P.S. Case No. 248 of 2019, registered under Sections 272 and 273/34 of the Indian Penal Code and Section 30(a), 38 of the Bihar Prohibition and Excise Act.

The accusation is that in course of patrolling duty, the informant and other Police personnel received information about unloading of the cartons of liquor from the truck bearing registration No. HR-46B-5003 and one Bolero bearing registration No. BR-06PC-1972 near Marwan Dharm Kanta, the informant and other Police personnel reached there. On



seeing the Police party, eight persons started fleeing, but on chase, four persons were apprehended, who disclosed their names Kundan Singh (Petitioner No.1), Basau Kumar (Petitioner No.2), Bhup Singh and Sushil Kumar Ojha and they also disclosed the name of Bhola Rai, Rakesh Kumar Balraj Singh and Anil, who succeeded to flee away. On search of truck, 90 cartons, each containing 12 bottles of 750 ML, 299 cartons, each containing 48 bottles of 180 ML of Indian Made Foreign Liquor and 40 cartons of Mega Malti Kurkure recovered. On search of Bolero vehicle, 11 cartons, each containing 12 bottles of 750 ML Indian Made Foreign Liquor recovered. The apprehended persons Kundan Singh (Petitioner No.1) and Basau Kumar (Petitioner No.2) introduced themselves as driver and Khalasi of the truck.

Learned counsel for the petitioners submits that, in fact, petitioners being the driver and Khalasi of the said truck proceeded from Hariyana after loading the cartons and they were informed that cartons of Kurkure are loaded on the said truck. The petitioners had no knowledge that behind the cartons of Kurkure, the alleged cartons of liquor are concealed. Further submission is that both the petitioners have no criminal antecedent and they are in custody since



12.09.2019. Further submission is that on investigation, the Chargesheet has already been submitted.

Having regard to the facts and the circumstances of the case, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, Excise Act, Muzaffarpur in connection with Karja P.S. Case No. 248 of 2019.

(Rajendra Kumar Mishra, J)

manish/-

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

