

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13736 of 2021**

Arising Out of PS. Case No.-84 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.  
District- Vaishali

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1. Dharmbir Singh @ Dharamveer Singh, Male, aged about 35 years, Son of Kalu Singh @ Kaluva Resident of Village/Mohallah- Alipura Khalsa, P.S.- Chhajlait, District- Muradabad (U.P.)
  2. Mangal Singh, Male aged about 38 years, Son of Sri Tikaram Singh @ Tika Ram Resident of Village/Mohallah- Mishripur Madaiya, P.S.- Kat, District- Muradabad (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rakesh Kumar, Adv.  
For the Opposite Party/s : Mr. Amit Kumar Rakesh APP

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      17-08-2021              In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

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

The petitioners seek bail in Excise Case No. C2A No. 84



of 2020, instituted for the offence under Sections 30(a), 41(i), 47 of the Bihar Prohibition and Excise Act 2016, and Section 32(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Since 06.08.2020, the petitioners are in custody. They are alleged to be driver and co- driver of the truck, from which, 5738.040 litres illicit liquor has been recovered.

The learned counsel for the petitioners submits that from the allegation made in the prosecution report itself it is evident that liquor was concealed beneath the boxes of Jaggery. The petitioners were discharging their professional services to the owner of the vehicle and were oblivious of the fact that beneath the jaggery boxes liquor has been concealed.

The learned APP representing the State has opposed the prayer for bail. It is submitted that the petitioners belong to a different State and, therefore, the trial may be prolonged, in the event, they have been privilege with bail. Petitioners' counsel submits that the father of the petitioners would stand as bailors.

Considering the aforesaid submissions and having regard to the custody of the petitioners for now more than a year as also the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the



petitioners is allowed. Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned **IInd Additional Sessions Judge-cum-Special Judge, Excise Court, Vaishali at Hajipur**, in connection with **Excise Case No. C2A No. 84 of 2020**, subject to the following conditions:-

(i) That one of the bailors will be father 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.

**(Madhuresh Prasad, J)**

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