

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17366 of 2021

Arising Out of PS. Case No.-477 Year-2020 Thana- NARPATGANJ District- Araria

1. Deep Narayan Hajra @ Deep Narayan, aged about 24 years, Male, Son of Bhutan Hajra Resident of Village Raja Pakar P.S. Harshidhi District Motihari (East Champaran)
2. Sandeep Singh @ Sandeep Das aged about 20 years, Male, Son of Kailash Das Resident of Village- Bosat Para P.S. Islampur District North Dinajpur (W.B).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioners seek bail in Spl. Case No. 890 of 2020 (arising out of Narpatganj P.S. Case No. 477 of 2020), registered for the offence under Sections 41, 47, 30(a), 38(1) of Bihar Prohibition and Excise Act.

As per the prosecution case, during vehicle checking, a truck was intercepted and upon search, 2556 liters of foreign liquor was recovered and these two petitioners were arrested on spot.

It is submitted on behalf of petitioners that petitioner no. 1 is driver and petitioner no. 2 is khalasi of the truck and



were not aware about the nature of consignment. Nothing has been recovered from their conscious possession. Petitioners were not aware about the nature of consignment Petitioners claim clean antecedent and they are in custody since 20.10.2020.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts & circumstances as well as nature of allegation and period of custody, the bail petition of petitioners is allowed. Let the above named petitioners 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 learned 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Araria in connection with Special Case No. 890 of 2020 (arising out of Narpatganj P.S. Case No. 477 of 2020), on the following conditions:

“(1) Petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on their absence on two consecutive dates without sufficient reason, their bail-bond shall be cancelled by the court below.

(2) If the petitioners tamper with the



evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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