

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31724 of 2021

Arising Out of PS. Case No.-368 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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1. Hira Lal S/O Durga Prasad R/O M-84, Krishna Vihar, Sultanpuri C Block, P.S- Sultanpuri, District North West Delhi
 2. Mohammad Nabi S/O Ishak Mohammad R/O Village-Karala, P.S-Kanjabala, District-Badaun (U.P).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 26-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioners seek bail in Excise Case No. 368 of 2020, registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act.

1334 liters & 880 ml. of foreign liquor has been recovered from a truck, of which, petitioner no. 1 is driver and petitioner no. 2 is conductor.

It is submitted on behalf of petitioners that nothing has been recovered from the conscious possession of the petitioners. Petitioners were unaware about the nature of consignment, which was being transported in the truck, and were simply following the instruction of the owner. Petitioners have got clean antecedent and are in custody since 24.12.2020.



Chargesheet has been submitted.

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

Considering the 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 A.D.J. - II cum Special Judge, Excise, Gopalganj in connection with Excise Case No. 368 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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