

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34755 of 2020

Arising Out of PS. Case No.-269 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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1. Sonu Kumar, aged about 23 years (M), Son of Bhola Sah, Resident of Village - Chaupar Bharat, P.S. - Bochaha, District - Muzaffarpur.
 2. Md. Anwar, aged about 25 years (M), Son of Md. Mustafa, Resident of Village - Chaupar Bharat, P.S. - Bochaha, District - Muzaffarpur.
 3. Rambabu Sah, aged about 30 years (M), Son of Bhola Sah, Resident of Village - Chaupar Bharat, P.S. - Bochaha, District - Muzaffarpur.
 4. Umesh Sharma, aged about 50 years (M), Son of Late Ramashish Sharma, Resident of Village - Mahpur, P.S. - Bochaha, District - Muzaffarpur.
 5. Sanjeet Mahto, aged about 30 years (M), Son of Devendra Mahto, Resident of Village - Mahamadpur Gokhul, P.S. - Bochaha, District - Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Abhishek Kumar, Advocate.
For the Opposite Party : Smt. Pushpa Sinha-2, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-01-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

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), 30(d), 36, 38, 41(1) of the Bihar Prohibition and Excise Act, 2018.

The prosecution story, in brief, is that total 8800 liters



spirit is said to have been recovered from the Truck and Pick-up Van in question.

It has been submitted by learned counsel for the petitioners that the petitioners are languishing in custody since 20.08.2020 and have got no criminal antecedent. Charge sheet/prosecution report 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 8800 liters spirit is recovered from the Truck and Pick-up Van which were parked in the Godown. The petitioners are labourers and were engaged for loading and unloading of goods. The petitioners had no knowledge regarding the nature of goods which were being loaded and unloaded. There is no compliance of Section 100 of Cr. P.C.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R./Complaint Case.

Considering the aforesaid facts and circumstances of the case, the petitioners above named, are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned 7th Additional Sessions Judge-



cum-Special Judge, Excise, East Champaran at Motihari, in
connection with Excise Case No. 269 of 2020.

(Sudhir Singh, J)

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