

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43337 of 2021

Arising Out of PS. Case No.-195 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

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1. SUBHASH BARMAN Son of Bablu Barman Resident of Village - Siliguri Bhakti Nagar, P.S.- Bhakti Nagar, District - Jalpaiguri (W.B.)
 2. Wappa Das Son of Roni Das Resident of Village - Sitalpara (Silliguri) Sinlafka, P.S.- Bhakti Nagar, District - Jalpaiguri (W.B.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Ms.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-12-2021 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek regular bail in connection with C-1 Case No. 195 of 2020 for the offence registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 705.375 litres of illicit liquor from Tata Magic vehicle.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and they are languishing in custody since 01.11.2020. The learned counsel for the petitioners has further submitted that the petitioners are the driver and khalasi of the Tata Magic vehicle in question and they were not knowing



about the consignment which had been loaded on the said vehicle, hence they cannot be saddled with the liability of the seized liquor.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record as also considering the period of incarceration of the petitioners herein and the fact that they are merely the driver and khalasi of the vehicle in question, I deem it fit and proper to direct for release of the petitioners herein on regular bail.

Accordingly, the petitioners, above named, are directed to 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 Special Judge, Excise, Purnea in connection with C-1 Case No. 195 of 2020.

(Mohit Kumar Shah, J)

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