

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36222 of 2020

Arising Out of PS. Case No.-557 Year-2020 Thana- ARARIA District- Araria

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1. BALWINDER SINGH Son of Brijpal Singh Resident of Village- Libra, P.S.- Khana, District- Ludhiyana (Punjab)
 2. Ishanpreet Singh Son of Tarnjeet Singh Resident of Village- Libra, P.S.- Khana, District- Ludhiyana (Punjab)

... .. Petitioners

Versus

1. The State of Bihar Opposite Party
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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh
Mr. Dharmendra Kumar Singh
For the Opposite Party/s : Smt. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 03-02-2021 Heard learned counsel for the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

This application for grant of regular bail arises out of Araria P.S. Case No. 557 of 2020, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

It is the prosecution's case that on the basis of a secret information, a truck was intercepted and on search 2235 liters of Indian made foreign liquor was recovered. Petitioner No. 1 was apprehended being the owner and driver of the truck. Petitioner No.2 was also arrested by the police, who was there in the truck at the time of the interception and search.

Mr. Rajesh Kumar Singh, learned counsel



appearing on behalf of the petitioners has submitted that they are in custody since the date of their arrest and that they have no criminal antecedent. He has argued that petitioner No.2, who was working as cleaner (*Khalasi*) with petitioner No.1, has been implicated, though it cannot be said on the basis of accusation in the First Information Report that any recovery was made from his conscious possession. He was simply found assisting the owner and the driver of the truck, i.e., petitioner No.1.

It is evident from the cause title of the application that both the petitioners are residents of the same village Libra in the district of Ludhiana (Punjab). The vehicle carrying huge consignment of illicit liquor was intercepted at Araria in Bihar. In such circumstance, the plea that petitioner No.2 was in not way concerned with transportation of illicit liquor is not sustainable in my opinion.

Considering the quantity of liquor seized from the truck, as noted above, in my opinion, no case for grant of bail is made out for the present.

This application is accordingly rejected.

(Chakradhari Sharan Singh, J)

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