

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36652 of 2020

Arising Out of PS. Case No.-146 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

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1. Md. Shamshad @ Shamshad Son Of Ieasin Resident Of Village - Bada Shahpur, P.S. - Goal Pokhar, District - Uttar Dinajpur (W.B.)
 2. Saddam Son of Jamaluddin Resident of Village- Bada Shahpur, P.S.-Goal Pokhar, District-Uttar Dinajpur (W.B.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amal Kumar Sinha, Adv.

For the Opposite Party/s : Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 30-01-2021 Heard the learned counsel for the petitioners and
Mrs. Sharda Kumari, the learned A.P.P. appearing for the State.

The petitioners seek regular bail in connection with
C-1 Case No. 146 of 2020 for the offence punishable under
Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 490 liters of
illicit liquor from a pick-up van and the petitioners are stated to
be the driver of the said pick-up van.

The learned counsel for the petitioners has submitted
that the petitioners are innocent, have been falsely implicated in
the present case, are having a clean antecedent and are



languishing in custody since 15.07.2020. It is further submitted that the petitioners are merely the drivers of the pick-up van in question and they are neither the owner of the pick-up van in question nor are the owner of the illicit liquor seized by the informant.

Per contra, the learned Additional Public Prosecutor has vehemently opposed the prayer for regular bail, made by the petitioners.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the parties and taking into account the period of incarceration of the petitioners herein as also the fact that they are having a clean antecedent, apart from the fact that they are merely drivers of the vehicle in question from which illicit liquor has been recovered, I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the petitioners, above named, are directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- 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. 146 of 2020.

(Mohit Kumar Shah, J)

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