

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8114 of 2021

Arising Out of PS. Case No.-333 Year-2020 Thana- BODHGAYA District- Gaya

1. Sanjit Kumar Thakur @ Sanjeet Kumar Thakur @ Sanjit Kumar S/O Mohan Thakur R/O Village Morainiya, P.S. Amas, District – Gaya.
2. Upendar Dangi @ Upendra Kumar Son of Shankar Dangi Resident of Pandeypura, P.S.-Hunterganj, District-Chatra, Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Singh, Adv.

For the Opposite Party/s : Mr.Tapeshwar Sharma,APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 17-04-2021 Heard learned counsel for the parties through virtual mode.

The petitioners seek bail in Special Excise Case No. 1126 of 2020, registered for the offence under Sections 30(a)/45 of Bihar Prohibition and Excise Act and Section 120(b) of IPC.

On a secret information, a Bolero was intercepted and upon search, 151 liters of foreign liquor was recovered and these two petitioners, who were sitting in the vehicle, were arrested.

It is submitted on behalf of the petitioners that petitioner no. 1 was driver of the vehicle, whereas, petitioner no. 2 was simply a passenger and nothing has been recovered from their conscious possession. It is further submitted that petitioners were not aware of the nature of consignment and



petitioner no. 1 was simply driving the vehicle on instruction of the owner. So far as petitioner no. 2 is concerned, he was simply a co-passenger of the vehicle in question. Petitioners are in custody since 17.09.2020.

Considering the fact that no incriminating article has been recovered from conscious possession of the petitioners, the bail application 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 Special Judge (Excise), Gaya in connection with Special Excise Case No. 1126 of 2020, arising out of Bodh Gaya P.S. Case No. 333 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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