

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2912 of 2021

Arising Out of PS. Case No.-156 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

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1. Md. Munna S/o Phool Mohammad R/o Kariyat, P.S.-Chakuliya, District- Uttar Dinajpur (WB)
 2. Md. Mukhtar S/o Md. Alam R/O Balsarpur, P.S. Chakuliya, Dist. Uttar Dinajpur (WB).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Bidhu Ranjan
For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 10-03-2021 Heard learned counsel for the parties.

The petitioners seek bail in C1 Case No. 156 of 2020, registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, during checking of vehicles, one Tata Magic was stopped and on search, 210.780 liters of foreign liquor has been recovered from the vehicle and petitioners, being driver and *khalasi* respectively of the vehicle, were apprehended on the spot.

It is submitted on behalf of petitioners that nothing has been recovered from conscious possession of the petitioners. Petitioners, being driver and *khalasi*, were not aware of the nature of consignment. Petitioners have clean antecedent and



they are in custody since 28.08.2020. Chargesheet has already been submitted.

Considering the fact that recovery has been made from the vehicle, not from the possession of petitioners coupled with the fact that petitioners have got clean antecedent, the bail application of petitioners is allowed. Let the above named petitioners be enlarged on bail on furnishing bail-bonds 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 C1 Case No. 156 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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