

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6762 of 2021

Arising Out of PS. Case No.-160 Year-2020 Thana- DAGARUA District- Purnia

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1. Md. Raushan S/o Md. Isha @ Md. Isa Resident of Vill.- Aashnagar Bakatpur, P.S.- Kanti, Distt.- Muzaffarpur.
 2. MD EHSAN @ MD EHSSAN S/o Md. Hasnain Resident of Vill.- Wolipur Goush Nagar, P.S.- Mahindrabara, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Advocate
For the Opposite Party/s : Mr Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 29-06-2021 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State through video conferencing.

The petitioners have filed the instant application for grant of regular bail in connection with Dagarua P.S. Case no. 160/2020 registered under sections 272 and 273 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

At the outset, it is submitted by learned counsel for the petitioners that he has filed an affidavit/application stating therein the error which was committed in paragraph no.3 of the petition wherein one of the case wherein the petitioner no. 2 is



an accused being Runnisaipur P.S. Case no. 290/2017 was not mentioned.

As per the allegation in the first information report, on truck in question being signaled to stop, the accused persons made an attempt to escape but were caught. A total of 2226.9 litres of liquor was recovered.

It is submitted by learned counsel for the petitioners that the petitioners are the driver and *khalasi* of the truck in question. They are mere employees and had no knowledge or information about the contents of the goods loaded by the owner of the vehicle. They are in custody since 25.9.2020 and have no criminal antecedent under the Bihar Prohibition and Excise Act, 2016.

The application for bail is opposed by learned Additional Public Prosecutor for the State.

Having heard learned counsel for the parties and taking into consideration the petitioners not having any criminal antecedent under the Bihar Prohibition and Excise Act, 2016 and having been in custody for 9 months, the Court is inclined to enlarge the petitioners on bail. The petitioners are directed to be enlarged on bail in connection with Dagarua P.S. Case no. 160/2020 on each of them furnishing bail bond of Rs.10,000/



(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of the learned Special Judge Excise,
Purnea.

(Partha Sarthy, J)

Spd/-

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