

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7843 of 2021

Arising Out of PS. Case No.-216 Year-2020 Thana- DAGARUA District- Purnia

1. AHMAD HUSAIN S/o- Aminuddin R/o- Khunkhuni, Bara Idgah, P.S.- Amour, District- Purnea
2. Md Saddam Husain S/o- Hasib @ Md Hasib R/o- Ramnagar, P.S.- Amour, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim

For the Opposite Party/s : Mr. Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-04-2021 Heard Mr. Md. Fazle Karim, learned counsel for the petitioners and Mr. Surendra Prasad Singh learned counsel appearing for the State through video conferencing.

Petitioners seek regular bail in connection with Special Excise Case No.543 of 2020 arising out of Dagaru P.S. Case No. 216 of 2020 registered for the offence under Section 272 , 273, 279 and 336 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation as per the First Information Report is that Police intercepted a *Scorpio* vehicle which was being driven by the petitioner no. 1 and petitioner no. 2 was found sitting in the vehicle and recovered 205.125 liters of illicit liquor



from the same.

Learned counsel for the petitioners submits that petitioners have not committed any offence in the manner alleged and the petitioner no. – 1 was driving the vehicle on the instruction of its owner who had given some consignment to deliver it to one Suraj Mandal at Bhagalpur and they were not aware about the fact that the consignment given by its owner was illicit liquor. Learned counsel further submits that petitioner no. – 2 is a co-passenger and was not aware about the illicit liquor being kept in the vehicle and both the petitioners have got no criminal antecedent, they are in custody since 05.12.2020 and charge sheet has already been submitted against them.

Having regard to the submissions made by learned counsel for the parties and taking into consideration the materials available on record, the fact that petitioners have got no criminal antecedent, they are not the owner of the vehicle, they are in custody since 05.12.2020 and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular 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), Purnea in connection with Special Excise Case No. 543 of 2020 arising out of Dagarua P.S. Case No. 216 of 2020.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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