

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9559 of 2022

Arising Out of PS. Case No.-373 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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1. Shambhu Rai, S/o Ranvijay Rai, Resident of Village- Bilat Chowk, Ward No.07, P.S.- Desti @ Desri, District- Vaishali
 2. Raja Kumar, S/o Chanardev Yadav, Resident of Village- Alauli, P.S.- Alauli, District- Khagariya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durgesh Nandan, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-07-2022 Heard learned counsel for the petitioners and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Excise Case No. 373 of 2021 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

The prosecution case is that from the vehicle being driven by petitioner no.1, 594 litres of illicit liquor was recovered. Petitioner no. 2 is stated to be the cleaner of the



vehicle. Both of them were apprehended from the said vehicle.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Though, the petitioner no. 1 is the driver but the petitioner no. 2 is not the cleaner and he has merely taken lift on that vehicle and has got no other concern with the said vehicle. The learned counsel further submits that the petitioner no.1 was having every idea about the check-posts as he usually take trips on the route carrying vegetables and transporting them from Hajipur to different places in Jharkhand. While returning from Jharkhand, he was requested by a person to carry some bags of peas on payment and during checking, illicit liquor was recovered from those bags. He has no knowledge about the contraband otherwise he would not take that route. The learned counsel further submits that the petitioners have no criminal antecedent and the prosecution report has been submitted and the petitioners are in custody since 27.12.2021.

Learned APP opposes the prayer for bail submitting that a huge quantity of liquor has been seized from the vehicle being driven by the petitioner no. 1.

Having regard to the submissions made hereinabove and considering the fact that the prosecution report



has been submitted in this case and further considering the period of custody of the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Excise Court No.3, Gaya, in connection with Excise Case No. 373 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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