

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9255 of 2022**

Arising Out of PS. Case No.-687 Year-2021 Thana- PATRAKARNAGAR District- Patna

-
1. Simranjeet Singh S/o Late Jaswant Singh R/o Village- Danipur, P.S.- Samana, Dist- Patiala, Punjab
 2. Hardeep Singh S/o Karnail Singh Resident of Village-Chhalerikala, P.S.- Mulepur, Dist- Fatehgarh Saheb, Punjab

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Advocate
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 24-06-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Patrkarn
Nagar P.S. Case No. 687 of 2021 registered for the offence
under Sections 30(a), 32(ii)(iii), 36 and 41(i)(ii) of Bihar
Prohibition and Excise (Amendment) Act, 2018.



The accused/petitioners are named in the F.I.R. and are in custody since 08.12.2021.

The allegation against the petitioner is to have in possession of the 4860.36 liters of illicit foreign made liquor, which was recovered from a truck bearing Registration no. PB 13U 4805 and petitioners are the driver and conductor of the truck.

Learned counsel appearing on behalf of the petitioners submitted that the petitioner no.1 is the driver and petitioner no.2 is the helper of the truck, as such, both were unaware about consignment, loaded in the truck. It has further been submitted that nothing has been recovered from the conscious physical possession of the petitioners. While concluding the argument, it has also been submitted that chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that petitioners are the driver and conductor of the truck.

Considering the facts and circumstances as mentioned above, as the recovery has not been made from the conscious physical possession of the petitioner coupled with the fact that



nothing surfaced during the course of investigation, which may suggest that the petitioners were under the knowledge of the consignment loaded in the truck, let the petitioners, above named, are directed to be released on bail in connection with Patrkar Nagar P.S. Case No. 687 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna, Bihar, subject to the following conditions:

“(i) That accused/petitioners shall not involve in the similar nature of offence till the conclusion of trial, failing the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioners.

(ii) Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioners, duly supported by



the documents.

(iii) That one of the bailors shall be Harjinder Kaur, who is the wife of petitioner no.1 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

U		T	
---	--	---	--

