

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12828 of 2022

Arising Out of PS. Case No.-477 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

-
1. Sunil Ray Son of Saryug Ray R/o Village- Deoria Yadav Tola, P.S.- Deoria, District- Muzaffarpur
 2. Mantu Bhagat Son of Not Given R/ Village- Chakaniya, P.S.- Pipra, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar, Advocate

For the Opposite Party/s : Mr.Pradeep Narain Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 01-07-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within 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 P.S. Case No. 477 of 2021 registered for
the alleged offences under Sections 30(a)/32(3) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case is that about 560.880 liters of
illicit India made foreign liquor was recovered from a truck and
the petitioners are stated to be the driver and the cleaner of the



said truck who were apprehended from the spot.

The learned counsel for the petitioners submits that the petitioners are innocent. They have no knowledge about the foreign liquor kept in the secret cabins of the truck as the owner of the truck did not disclose anything about carrying of illicit liquor in his truck. The petitioners have innocently been carrying cement on truck from Jalpaiguri (Siliguri). The petitioners are poor persons and daily wagers and sole bread earners for their family, they are in custody since 26.11.2021 and they are having clean antecedent. Learned counsel further submits that the owner of the vehicle has been granted privilege of anticipatory bail vide order dated 08.04.2022 passed in Criminal Misc. No. 15747 of 2021.

Learned A.P.P. for the State opposes the prayer for bail submitting that huge quantity of liquor has been recovered from the truck of the petitioner.

Having regard to the submissions made hereinabove and considering the fact that the co-accused has been granted privilege of anticipatory bail and further considering the period of custody of the petitioners, they are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction



of learned Special Judge, Excise Court-II, Muzaffarpur in connection with Excise P.S. Case No. 477 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 bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

ved/-

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

