

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.22068 of 2022**

Arising Out of PS. Case No.-89 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

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1. Sanjay Khan, Son of Jalaluddin, Resident of village - Tuamai, P.S.- Akarabad, District - Aligarh (U.P.)
2. Tinku Chaudhari, Son of Kitab Singh, Resident of village - Lahasai, P.S.- Pali, District - Aligarh (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Paras Nath, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      05-08-2022                      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 Mohania P.S. Case No. 89 of 2022 registered for the alleged offences under Sections 30(a) and 36/41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, during an Anti Liquor Drive, a truck was intercepted and 2432.36 litres of India made foreign liquor was recovered concealed in iron scrap. The petitioners



were apprehended from the truck and they are stated to be the driver and co-driver (cleaner).

The learned counsel for the petitioners submits that the petitioners are innocent and they have no idea about the liquor loaded in the truck. The petitioners are paid driver and cleaner, who were working on the direction of their owner and they have no knowledge about the consignment being carried by them because the consignment was packed and booked by the owner himself. The owner of the truck handed over the keys to the driver of the vehicle and asked him to unload the consignment at Darbhanga, but the nature of consignment was not disclosed. The learned counsel further submits that the owner of the vehicle has also been made accused in this case and he is responsible for the seized articles. Learned counsel further submits that the petitioners have got no criminal antecedent and are in custody since 01.03.2022 and charge-sheet has been submitted against them.

Learned APP opposes the prayer for bail submitting that it appears from the order of rejection of the bail by the learned court below that investigation is continuing in this case.

Having regard to the submissions made on behalf of the parties and considering the fact that petitioners are stated to



be the driver and cleaner are having clean antecedent and further considering the period of custody of the petitioners along with the submission of charge-sheet, 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 Additional Sessions Judge-II-cum-Special Judge, Excise, Kaimur at Bhabhua in connection with Mohania P.S. Case No. 89 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be Samina Begum, wife of the petitioner no.1, who has sworn the affidavit in this case.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on 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)**

Rajnish/-

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