

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.23931 of 2022**

Arising Out of PS. Case No.-9 Year-2022 Thana- KHIJARSARAI District- Gaya

1. Pankaj Sao, Son of Chhuni Lal Sao, Resident of Village- Matkam Shastri Chowk, Vidya Nagar, P.S.- Sukhdeo Nagar, Distt.- Ranchi (Jharkhand).
2. Md. Salam, Son of Noor Mohammad, Resident of Village- Nadi Ground, Himpiri, P.S.- Himpiri, Distt.- Ranchi (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate  
For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      27-07-2022                      A supplementary affidavit has been filed on behalf of the petitioners, which is kept on the record.

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Vijay Kumar Sinha, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Khijarsarai P.S. Case No. 09 of 2022 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, it is alleged that the police on



a secret information that consignment of illegal wine is being brought in the State of Bihar, intercepted Mini Tata Truck and on search being made, total 781.500 litres of Indian made foreign liquor was recovered. It is further alleged that both the petitioners were also apprehended.

It is submitted by the learned counsel appearing on behalf of the petitioners that from the F.I.R. it is evident that the truck was handed over to petitioner no.1 by one Pradeep Jee and it was to be delivered to someone at Zero Mile, Patna and in fact both the petitioners, being driver and co-driver, were not aware as to what was loaded by the consigner. It is next submitted that the petitioners are in custody since 08.01.2022 having men of fair antecedent, though the investigation of the crime is already completed and charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioners were apprehended along with the truck from where a huge consignment of illicit liquor was recovered.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioners are the driver and co-driver of the alleged vehicle and they are in custody since 08.01.2022 having fair antecedent,



though the investigation of the crime is already completed and charge-sheet has been submitted, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.-II, Gaya in connection with Khijarsarai P.S. Case No. 09 of 2022, subject to the condition that one of the bailors will be the local residents with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

**(Harish Kumar, J)**

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