

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26240 of 2022**

Arising Out of PS. Case No.-6 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

1. Md Alam, Son of Shakil, R/ O- Village- Maulaganj P.S.- Laheria Sarai, Dsit- Darbhanga
2. Arjun Paswan, Son of Late Prakash Paswan, R/O- Village- Kulhanda Barori, P.S.- Basuara, Dist.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Uday Pratap Singh, Advocate

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

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

2      16-08-2022                      Heard learned counsel for the petitioners and learned  
APP for the State.

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. 06 of 2022 registered for the alleged offences under Sections 420, 467, 468, 471 and 34 of the Indian Penal Code and Sections 30(a), 36 and 41(1) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, a truck was intercepted when its driver tried to run away with his truck during checking of



vehicles. The petitioners are the driver and cleaner of the truck. From the said truck, total 1764 litres of India made foreign liquor was recovered which was concealed in a secret box kept hidden with furniture.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Nothing incriminating has been recovered from their conscious possession. Petitioners are the driver and the cleaner (khalasi), respectively and they have no knowledge about the consignment kept hidden in a secret box. Petitioners are neither the owner of the truck nor the seized contraband belongs to the petitioner. Charge-sheet has been submitted in this case and the petitioners are in custody since 11.01.2022. The petitioners are having clean antecedent.

Learned APP opposes the prayer for bail submitting that a huge quantity of illicit liquor has been recovered from these petitioners and they have been apprehended from the spot.

Having regard to the submissions made hereinabove and considering the fact of clean antecedent of the petitioners and further considering the submission of charge-sheet along with period of their custody, 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 Special Judge Excise, Kaimur, in connection with Mohania P.S. Case No. 06 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 the person, who has sworn the affidavit in the 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)**

balmukund/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

