

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29519 of 2022

Arising Out of PS. Case No.-7 Year-2022 Thana- KISHANGANJ District- Kishanganj

1. Md. Amjad, Son of Md Bechan @ Bechan, Resident of Village- Nagara, P.S. - Mahanandabad Gohna , Dist- Mau (U.P)
2. Md. Arman, Son of Md. Chunnu, Resident of Village- Sikandarpur, Aaima, P.S- Mahranganj, Dist- Azamgarh (U.P)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2022 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. Raj Kumar, learned counsel for the petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Excise P.S. Kishanganj Case No. 07 of 2022 (Special Case No. 265 of 2022) registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, it is alleged that in course of vehicle checking the police intercepted a truck bearing



registration no. WB 51A- 2223 and on search total 9672 litres of illicit bear was recovered

It is submitted by the learned counsel appearing on behalf of the petitioner that in fact the present case has been instituted on misconception, as a matter of fact, the alleged truck, in question, has been running under Trupati Logistics Private Ltd., Kolkata and on 07.04.2022, the petitioners were informed to transport the aforesaid goods from Nadiya, West Bengal to Thakurnagar, Silliguri, West Bengal, but under the confusion of address they took road which reached to Thakurganj, Kishanganj and in the meantime when the truck reached at Galgalia, Kishanganj, which is the boarder of Bihar-Bengal, the police seized the aforesaid truck and arrested the petitioners. In support of the aforesaid submissions, the invoice, consignment note, lorry receipt and other documents dated 07.04.2022, have been brought on record by way of Annexure-2 series. Is is further submitted that the petitioners are the driver and co-driver of the truck, in question, and they were not even aware as to what was loaded by the transporter or consigner of the goods. It is lastly submitted that this petitioners are in custody since 11.04.2022 having fair antecedent and moreover 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.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioners, who happens to be the driver and co-driver of the vehicle, in question, are in custody since 11.04.2022 having fair antecedent and moreover the investigation of the crime is already completed and charge-sheet has been submitted and the submissions made on behalf of the petitioners supported by the documentary evidence, 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 Additional Sessions Judge-IV-cum-Special Judge (Excise), Kishanganj in connection with Excise P.S. Kishanganj Case No. 07 of 2022 (Special Case No. 265 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 physically 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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