

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41280 of 2021

Arising Out of PS. Case No.-23 Year-2021 Thana- KALER District- Jehanabad

1. Lakhan Solanki Son of Sheru Singh Resident of Village Gomadgiri, Gandhi Nagar, P.S. Gandhi Nagar, District - Indore (M.P.)
2. Manish Mali Son of Mukesh Mali Resident of Ward No. 15 House No. 584, Naya Basera, Gandhi Nagar, P.S. Gandhi Nagar, District - Indore (M.P.)

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Paras Nath, Advocate
For the Opposite Party : Mr. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 06-01-2022 This application has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application for regular bail arises out of Kaler P.S. Case No. 23 of 2021, disclosing offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

The allegation in the F.I.R. is of recovery of 1004.76 liters Indian made foreign liquor from a Tata 407 vehicle. The petitioner No.1 was driving the vehicle whereas the petitioner No. 2 was there in the vehicle as a cleaner (*Khalasi*).



Learned counsel appearing on behalf of the petitioners has submitted that the petitioners are in custody from the date of their arrest from 09.04.2021. He further contends that consignment in question was booked by the owner of the vehicle which the petitioners were required to deliver to the consignee and, therefore, the petitioners cannot be said to be involved in commission of the offence.

The said submission advanced on behalf of the petitioners is not convincing to this Court. As the aforesaid huge quantity of Indian made foreign liquor was recovered from the Tata 407 vehicle which was admittedly in possession of the petitioners at the time of interception and seizure, no case for grant of regular bail is made out for the present. This application is accordingly dismissed.

Learned counsel for the petitioners shall, however, be at liberty to renew his prayer for bail in the event no charge is framed within six months from today.

(Chakradhari Sharan Singh, J)

K.K.RAO/-

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