

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32808 of 2022

Arising Out of PS. Case No.-38 Year-2022 Thana- KALYANPUR District- Samastipur

Santosh Paswan, S/o Hukum Paswan, R/o village- Sainpatti, P.S.- Kanti,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 33060 of 2022

Arising Out of PS. Case No.-38 Year-2022 Thana- KALYANPUR District- Samastipur

Praveen, S/o Naresh, R/o village- Karaudha (Karountha), P.S.- Rohtak City,
District- Rohtak (Haryana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 32808 of 2022)

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

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

(In CRIMINAL MISCELLANEOUS No. 33060 of 2022)

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

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-08-2022 Since both the applications arise out of Kalyanpur

P.S. Case No. 38 of 2022, as such, they have been heard

together and are being disposed of by this common order.

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 Kalyanpur P.S. Case No. 38 of 2022 registered for the alleged offences under Sections 467, 468 and 471 of the Indian Penal Code and Sections 30(a), 32(3), 36 and 41(1) of the Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, police received secret information about large quantity of liquor being transported on a truck and the said truck was intercepted and the driver and cleaner were apprehended after chase when they tried to flee away from the spot. From the search of the truck, total 3546 litres of India made foreign liquor was recovered. The petitioners are apprehended driver and cleaner.

The learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. They have no knowledge about the nature of consignment as it was booked and loaded by the owner of the truck. They are the paid workers. Regarding consignment, they were only knowing that it was mobile towers angles which was loaded on the truck, hence, the petitioners have no knowledge about the illicit liquor. So no recovery has



been made from the conscious possession of these petitioners who are poor persons. Charge-sheet has been submitted in this case and the petitioners are in custody since 30.01.2022. The petitioners are having clean antecedent.

Learned APP opposes the prayer for bail submitting that the huge quantity of liquor has been recovered from the truck being driven by these petitioners.

Having regard to the submissions made hereinabove and considering the fact that the petitioners are driver and cleaner of the vehicle and further considering the submission of charge-sheet along with their clean antecedent and period of 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 Excise Court No.I, Samastipur, in connection with Kalyanpur P.S. Case No. 38 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)

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