

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43069 of 2021

Arising Out of PS. Case No.-28 Year-2021 Thana- KALER District- Jehanabad

1. RAM SINGH S/O NIRVAIL SINGH R/O VILLAGE-CHHITATHA GALI NO.1 SHRI HARGOVINGPURA SANTSAHIB ROAD, CHHITHATHA, P.S-CHHITHATHA, DISTRICT-AMRITSAR (PUNJAB).
2. TARSEM SINGH S/O INDAR SINGH R/O VILLAGE-MAKAN NO.152 MURE, P.S-JAVAL, DISTRICT-AMRITSAR (PUNJAB).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ranjay Kumar Singh
For the Opposite Party/s :	Mr. Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the petitioners and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

Petitioners, who are in custody since 22.04.2021, seek regular bail in connection with Excise Case No. 368 of 2021 arising out of Kaler P.S. Case No. 28 of 2021 registered for offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

Prosecution case, in brief, is that altogether 2678.76 litres of liquor was recovered from the truck bearing Registration No. HP97-4338 inside the State of Bihar at Kaler, Arwal. Seizure



list was prepared and the petitioner no. 1 has admitted himself to be the driver of the said truck and petitioner no. 2 is the *khalasi* of the said truck. It has further been alleged that the said truck was coming from Amritsar, Punjab to deliver the goods.

Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and they were directed to deliver the consignments of the goods from Amritsar, Punjab to the State of Bihar. No incriminating article has been recovered from the conscious physical possession of the petitioners. It is submitted that petitioner no. 1 is the driver of the truck while petitioner no. 2 is the *khalasi* of the said truck and they were plying the said truck on the instruction of their owner without knowing the contents ladden therein.

Per contra, learned A.P.P. appearing on behalf of the State vehemently opposing the prayer for bail has submitted that the petitioners are named in the F.I.R. and from perusal of the seizure list it appears that huge quantity of hooch i.e. 2678.76 litres, was recovered from the truck bearing Registration No. HP97-4338, which was driven by the petitioner no.1, whereas petitioner no. 2 is the *khalasi* of the said truck. After coming into force of Bihar Prohibition and Excise Act, 2016, sale, trade and consumption of liquor is prohibited in the State of Bihar and these types of illegal acts are rampant in the State of Bihar, hence, they



do not deserve sympathy of this Court.

Having heard learned counsel appearing on behalf of the petitioners and learned A.P.P. for the State and perusing the case record as also considering the fact that huge quantity of hooch was recovered from the truck bearing Registration No. HP97-4338, which was driven by the petitioners, I am not inclined to enlarge the petitioners on bail.

The prayer for bail of the petitioners is hereby rejected and this application is dismissed.

(Purnendu Singh, J)

Niraj/-

U		T	
---	--	---	--

