

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37034 of 2022**

Arising Out of PS. Case No.-42 Year-2022 Thana- KALER District- Jehanabad

1. Shadab Chaudhary, Son Of Late Babu Chaudhary @ Late Babu, Resident of village- Garhmukteshwar Baith P.S.- Simbhauli District- Hapur ( U.P.)
2. Yakub, Son Of Late Sultan, Resident of village Garhmukteshwar Baith P.S.- Simbhauli District Hapur (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

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

2      02-09-2022                      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 Kaler P.S. Case No. 42 of 2022, registered for the alleged offence under Section 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, on the basis of secret information, a truck was intercepted and from the search of this truck, total 1400.40 litres of India made foreign liquor was



recovered. The petitioners are stated to be the driver and cleaner of the truck and they were apprehended when the raid was made.

The learned counsel for the petitioners submits that the petitioners being the driver and cleaner have no knowledge about the consignment and they were only doing their duty and they have no idea about the liquor loaded in the truck. Nothing incriminating has been recovered from their conscious possession. The charge sheet has been submitted in this case. the petitioners are in custody since 21.04.2022 and are having clean antecedents.

The learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made hereinabove and considering the submission of charge sheet and period of custody of the petitioners along with their clean antecedents, they 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.2, Jehanabad, in connection with Kaler P.S. Case No. 42 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 a close relative of the petitioners.

(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 bond of the petitioners will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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**(Arun Kumar Jha, J)**

