

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46084 of 2021

Arising Out of PS. Case No.-82 Year-2021 Thana- BARAUNI District- Begusarai

1. DIWAKAR KUMAR S/o ARUN KUMAR DAS RESIDENT AT VILLAGE-TINTANGA DIYARA, JHALLU DAS TOLA, P.S-RANGLA O.P, DISTRICT-BHAGALPUR.
2. AMOD KUMAR S/o UMESH MANDAL RESIDENT AT VILLAGE-TINTANGA DIYARA, JHALLU DAS TOLA, P.S-RANGRA O.P., DISTRICT-BHAGALPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghwendra Pratap Singh, Adv.
For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 31-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and Sri Pramod Kr. Pandey, the learned APP for the State.

The petitioners seek regular bail in connection with Barauni PS case no. 82 of 2021 instituted for the offences punishable under Sections 414, 467, 468, 120 of Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 738 liters of illicit liquor from a Pick-up van, after the same was



apprehended by the police and search was made.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case, are having clean antecedent and are languishing in custody since 01.03.2021. The learned counsel for the petitioners has further submitted that the petitioners are the driver and co-driver of the Pick-up van in question and they are not the owners, hence they were not knowing about the contents of the consignment which had been loaded on the said Pick-up van, as such the alleged recovery of illicit liquor cannot be attributed to them.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the Pick-up van in question does not belong to the petitioners and they are merely the driver and co-driver of the Pick-up van in question and are having a clean antecedent, I deem it fit and proper to admit the petitioners to the privilege of bail. Accordingly, the abovenamed petitioners are directed to be released on bail on



furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned court of Special Judge (Excise), Begusarai in connection with Barauni PS case no. 82 of 2021.

(Mohit Kumar Shah, J)

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