

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.46356 of 2021**

Arising Out of PS. Case No.-185 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.  
District- Nawada

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1. SUJIT KUMAR S/O NAGENDRA PRASAD R/o village- Mongraiya, P.S.- Paroo, District- Muzaffarpur
  2. Sunil Kumar S/o Naresh Paswan R/o village- Nakta Bariyarpur, P.S.- Motipur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      12-01-2022      Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of 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 06.04.2021 seek regular bail in connection with G.O. 185 of 2021 registered for offence punishable under Sections 30(a) and 56(b) of the Bihar Prohibition and Excise Act.

Prosecution case in brief is that altogether 4200 litres of illicit liquor was recovered from the truck bearing Registration No. BR 05 GA 3485 which was concealed under



stone chips.

Learned counsel appearing on behalf of the petitioners submits that petitioners have no knowledge about the illicit liquor. They were asked by the owner of the said truck to deliver the stone chips to Muzaffarpur from Chas, Bokaro, Jharkhand. He further submits that the petitioners are simply driver and the khalasi of the aforesaid truck and they have no concern either with the alleged illicit liquor or the truck from which the alleged liquor was recovered. Petitioners have clean antecedent and being innocent they are in custody since 06.04.2021.

Learned A.P.P. however, opposes the prayer for bail.

Considering the above mentioned facts and circumstances of the case, the petitioners are directed to be enlarged to bail upon furnishing bail bond of Rs. 3,00,000/- (Rupees Three Lacs) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge cum Special Judge(Excise), Nawada in connection with G.O. 185 of 2021 with a condition that one of the bailors shall be wife of the owner of the vehicle bearing Registration No. BR 05 GA 3485. In case, she refuses to appear before the Court then the Lower Court is directed to take appropriate action against her in accordance with law and in alternative, the petitioner may



seek any respectable person of the area as a bailor. The other conditions are as follows:-

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bond.

**(Purnendu Singh, J)**

Niraj/-

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