

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37571 of 2022

Arising Out of PS. Case No.-288 Year-2022 Thana- RAHUI District- Nalanda

1. ANIL KUMAR SON OF LATE DEVLAL PRASAD Resident of Village-Hakikatpur, Police Station-Bakhtiarpur, District-Patna
2. Niraj Kumar Son of Late Tetar Ray Resident of Village-Moujipur, Police Station-Nadi (River), District-Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, A.P.P.

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 virtual court proceeding.

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 Rahui (Wena) P.S. Case No. 288 of 2022 registered for the alleged offences under Sections 30(a), 32(ii) (iii) 36, 41(i) (ii) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, an information was received about a truck in which illicit foreign liquor was being carried and the said truck was intercepted and two persons tried to



escape from the truck. They were apprehended and on search of the truck total 275.25 liters of India made foreign liquor was recovered. The petitioners are said to be the driver and cleaner of the truck who were apprehended from the spot.

Learned counsel for the petitioners submits that the petitioners are driver and cleaner (khalasi) of the truck and they have no knowledge about the illicit liquor loaded in the truck. Only after the consignment is loaded on the truck, the truck was handed over to the driver and the cleaner for taking to it to the destination and for this reason, they were not knowing about the nature of consignment. The petitioners are having clean antecedent and they are in custody since 29.05.2022 and charge sheet has been submitted against them.

Learned APP opposes the prayer for bail of the petitioner submitting that the recovery has been made from a truck being driven by the petitioner no. 1 and the petitioners were apprehended. The petitioner no. 2 is the cleaner. They have disclosed about their involvement for quite long time in the business of illicit liquor.

Having regard to the facts and circumstances and considering the submission of charge sheet and period of custody of the petitioners along with their clean antecedent, the



petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned 4th Additional District and Sessions Judge-cum-Special Judge, Excise No.2, Nalanda at Bihar Sharif. in connection with Rahui (Wena) P.S. Case No. 288 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.

(Arun Kumar Jha, J)

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