

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.46975 of 2021**

Arising Out of PS. Case No.-278 Year-2021 Thana- NAUBATPUR District- Patna

1. RUP SINGH S/o Balbir Singh Resident of Panibagga Pind, P.S. and District- Mansa Mandi (Panjab)
2. Sandip Singh S/o Kala Singh Resident of Pind Bhaini Bagha, P.S. and District- Mansa Mandi (Panjab)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Arun, Advocate  
For the Opposite Party/s : Mr.Anil Prasad Singh, A.P.P

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

2      13-01-2022                      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.

The petitioners, who are in custody since 09.06.2021, seek regular bail in connection with Special Case No. 3482 of 2021, arising out of Naubatpur P.S. Case No. 278 of 2021, for the offence punishable under Sections 379, 420, 467, 468 and 471/34 of the Indian Penal Code and Section 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in brief, is that truck



bearing registration No. RJ09GC-9412, whose owner name is Md. Washim, son of Md. Hussain had given power of attorney to one Angur Mohammad, son of Azad Mohammad of Haryana duly issued by the Notary Public, Chitorgarh. The said truck was having the Registration Certificate, Pollution Certificate as well as Insurance Certificate duly valid for the period mentioned in the F.I.R. The said truck having road permit, consignment note with respect to certain consignment to be transported in the State of Jharkhand and as per the telephonic message, the driver of the said truck was directed to unload liquor at Hajipur. In course of search, huge quantity of illicit liquor was seized and seizure-list was prepared in which it has been shown that altogether 812 litres of illicit Indian Made Foreign Liquor was recovered from the said truck. It was found that the said truck has loaded the liquor and in course of transport delivered the liquor at several places, the remaining above mentioned liquor has been seized.

Learned counsel appearing for the petitioner submits that petitioner No.1 is the driver and petitioner No.2 is the Khalasi of the said truck and they had no knowledge regarding prohibition of liquor in the State of Bihar and as such, as per telephonic message, they were on the way to



deliver the said consignment of liquor to Hajipur.

Learned A.P.P., however, opposes the prayer for grant of bail of the petitioners. He further submits that trade of illicit liquor is rampant in the State of Bihar and the petitioners are member of such organized trade and as such they do not deserve to be released on bail.

Having considered the rival submission of the parties and taking into consideration the clean antecedent of the petitioners, but the petitioners have been found in trade of liquor, the Court below is directed to seek report from the concerned Superintendent of police having jurisdiction with respect to the details of cases, if any, against the petitioners, if the petitioners are not found in any other cases then the petitioners be released on bail subject to the condition that a Bank Draft of Rs. 2,00,000/- (Rs. Two Lakhs) on behalf of the petitioners, above named, be obtain in favour of Bihar State Legal Services Authority at Patna, which shall be retained by the Court below to see that the petitioners do not get involve in any other similar case or any other case and if the Bank Draft of aforesaid amount is deposited in manner stated above then the petitioners shall be released forthwith upon furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of



the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Special Case No. 3482 of 2021, arising out of Naubatpur P.S. Case No. 278 of 2021, subject to the following conditions:

(i) That one of the bailors of the petitioners shall be his close relative. Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial. If the petitioners are found involved in similar nature of offences, after their release on bail the trial Court shall take steps to cancel their bail bonds.

(iii) The petitioners shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) If the petitioners temper with the evidence or the witnesses of the case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

It is made clear that if the petitioners are involved subsequently in another excise matter or in any other case then the amount of bank draft will be deposited in the account of



Bihar State Legal Services Authority, Patna. If the Court below finds the conduct of the petitioners are uniformly good, then the said draft be returned back to the petitioners on such appropriate terms and conditions fixed by the Court below.

**(Purnendu Singh, J)**

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