

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47472 of 2021

Arising Out of PS. Case No.-92 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

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1. Jitendra Sah @ Jitendar Sah, male, aged about 31 years S/o Bahor Sah @ Bohar Sah R/o village- Bari Sankh, Ward No. 12, P.S.- Muffasil, District- Begusarai
 2. Surjit Mandal @ Surjeet Mandal, male, aged about 35 years, S/o Nitai Mandal R/o village- Baghwatpur, P.S.- Pathur Partila, District- South 24 Pargana, Dinajpur, State- West Bengal

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Sandip Kumar Gautam, Adv.
For the Opposite Party : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-02-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor (for short 'APP') for the State.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

The petitioners seek bail in Excise C1 Case No. 92 of 2021 instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The petitioners have been apprehended from the vehicle laden with pomegranate, which was being transported has been



intercepted and seized. There is alleged recovery of 173.25 liters illicit liquor.

Petitioners' counsel submits that even as per allegation the illicit liquor was concealed beneath pomegranate. Petitioners, who are driver and co-driver, were giving their professional services as drivers, oblivious of the concealed content and have become victim of the circumstance. There is one criminal antecedents of the petitioner No.1 and he is on bail in that said case without any allegation of misuse. Both the petitioners are in custody since 05-06-2021.

The learned APP representing the State has opposed the prayer for bail.

Considering the facts and circumstances of the case, where illicit liquor was concealed in the vehicle which the petitioners were professionally driving and having regard to their custody, as noted above, this Court is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners is allowed. Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Purnea in connection with Excise C1 Case No. 92 of



2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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