

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39747 of 2022

Arising Out of PS. Case No.-527 Year-2022 Thana- FORBESGANJ District- Araria

1. Kulveer Singh, Son of Surat Singh, Resident of Village- Sakin Roshanpur, P.S.- Najafgarh, District- New Delhi.
2. Rajesh Singh, Son of Chitar Singh, Resident of Village- Sakin Roshanpur, P.S.- Najafgarh, District- New Delhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar, Advocate
		Mr. Rajeev Shekhar, Advocate
For the Opposite Party/s :		Mr.Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Alok Kumar, learned counsel for the petitioners and learned APP for the State through video conferencing.

The petitioners seek regular bail, who are in custody in connection with Forbesganj (Simraha) P.S. Case No. 527 of 2022 registered for the offences punishable under Sections 467, 468, 471, 420 of the Indian Penal Code and Sections 30(a), 31, 32 (i)(iii), 36, 41(i)(ii) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that the police



on a secret information intercepted a truck bearing registration no. NLOL/0126. On search, total 5695.44 litres of Indian made foreign liquor was recovered. It is further alleged that both the petitioners were also apprehended at the spot.

Learned counsel appearing on behalf of the petitioners submits that the petitioners are the driver and helper of the truck were not even aware as to what was being carried by the owner/transporter of the goods, as the truck was being run for transportation of goods on the dictate of the owner/transporter and the petitioners have neither any concern with the truck nor with the loaded goods. He further submits that the petitioners, having fair antecedent, are in custody since 19.05.2022, though the investigation of the crime is already completed and the charge-sheet has been submitted. He lastly submits that though the petitioners are permanent resident of New Delhi, but they are ready to give undertaking that they will co-operate in the investigation and in course of trial.

On the other hand, learned APP for the State opposes the bail application and submits that a huge consignment of illicit wine has been recovered from the truck.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners are



driver and co-drivers, having unaware of the facts as to what was loaded by the owner/transporter and, moreover, petitioners, having fair antecedent, are in custody since 19.05.2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Court-I, Araria in connection with Forbesganj (Simraha) Case No. 527 of 2022 subject to the condition that one of the bailors will be the local residents with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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