

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39791 of 2022

Arising Out of PS. Case No.-77 Year-2022 Thana- MUSRIGHRARI District- Samastipur

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SUNIL KUMAR @ SUNIL KUMAR SAHNI Son of Munchun Sahni,
Resident of Village - Motipur, Ward no.11, P.s.- Tajpur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 40821 of 2022

Arising Out of PS. Case No.-77 Year-2022 Thana- MUSRIGHRARI District- Samastipur

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Vipin Kumar Son Of Late Suresh Prasad, R/O Village- Songar, P.S.- Tajpur,
District- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 39791 of 2022)

For the Petitioner/s : Mr.Jitendra Narain Sinha, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 40821 of 2022)

For the Petitioner/s : Mr.Anirudh Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-08-2022 This case and Cr. Misc. Case No.40821 of 2022, both

arising out of same Musrigharari Police Station Case No. 77 of

2022 (Excise G.R. No. 385 of 2022), therefore, both the cases

have been heard together and being disposed of by this common

order.

Let the defects, as pointed out by the Office, be

removed within a period of two weeks from today.

Heard learned counsel for the petitioners and learned APP for the state.

Petitioners seek regular bail in connection with Musrigharari P.S. Case No. 77 of 2022 alleged under Sections 30(a), 41(i) (ii) of the Bihar Prohibition and Excise Amendment Act, 2018.

As per the prosecution, total 2646 litres of Indian made foreign liquor were alleged to be recovered from Indian Oil Tanker.

Learned counsel for the petitioners submits that petitioner of first case is *Khalasi* of the said truck whereas petitioner of second case is the driver of the said truck. Learned counsel for the petitioners further submits that they are innocent and have committed no offence, as the tanker was completely seal and thereafter instruction was given by the Transport Agency to bring the truck from one place to another. Therefore, neither the driver nor the *Khalasi* was aware of about the said what is kept in the tanker because the said tanker was sealed. Learned counsel for the petitioners further submits that charge sheet has already been filed in this case and both the petitioners are in custody since 30.04.2022 having clean antecedent.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of the case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court-1, Samastipur in connection with Musrigharari P.S. Case No. 77 of 2022 (Excise G.R. No. 385 of 2022), subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of their bail bonds.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of their present

bail bonds.

With this observation, the bail applications stands
allowed.

(Dr. Anshuman, J.)

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