

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50274 of 2021

Arising Out of PS. Case No.-190 Year-2021 Thana- ARWAL District- Jehanabad

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1. Hari Om Yadav S/O Raj Kumar Yadav R/O Village-Purejahari, P.S-Ramsnehi Ghat, District-Barabanki, State-U.P.
 2. Raj Kumar S/O Ranjara Ahirwar @ Ranjaura R/O Village-Rukwaha, P.S-Sojana, District-Lalitpur, State-U.P.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nitya Nand Neeraj, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 12-05-2022 Heard learned counsel for the parties.

The two petitioners are in custody in connection with Excise Case No. 568 of 2021 (in connection with Arwal P.S. Case No. 190 of 2021) registered under Section 30(a) of the Excise Act.

The allegation against the petitioners in the FIR is that on 09.07.2021, the informant received information that a vehicle (Eicher) truck bearing Registration No. HP-18B-8620 is moving to Patna via Arwal is carrying liquor.

On that basis, the police started conducting vehicle check and when this vehicle reached the place, the same was searched and it is alleged that the truck was loaded with 3078.36 litres of IMFI. Accordingly, seizure list was prepared and the petitioners were arrested.

Learned counsel for the petitioner submits that they are Driver and Assistant Driver of the alleged vehicle and had no knowledge that they are carrying wine.

As per the allegation, the (Eicher) truck was loaded



with 3078.36 IMFI litres liquor and the petitioners were driver and co-driver of the said vehicle who cannot shrugg off their responsibility from the fact that they were carrying huge quantity of IMFI liquor.

Considering the aforesaid facts, this Court for the present is not inclined to grant the privilege of bail to the petitioners herein which is hereby rejected.

Learned counsel for the petitioners submits that the petitioner no. 2 (Raj Kumar) is ill but is not being treated properly in the jail.

It goes without saying that if any of the accused person lodged in jail including the petitioner no. 2 herein, is ill, the least, that is expected that he should be given proper medical care and if needed is referred to a better hospital for the treatment.

The bail application is rejected with the aforesaid observations.

(Rajiv Roy, J)

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