

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41948 of 2022

Arising Out of PS. Case No.-65 Year-2022 Thana- RANIYATALAB District- Patna

SUNNY KUMAR son of Munilal Sahni, Resident of Chak Ahmad, P.S.-
Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 43001 of 2022

Arising Out of PS. Case No.-65 Year-2022 Thana- RANIYATALAB District- Patna

RADHE PASWAN son of Jagarnath Paswan, Resident of Chak Ahmad, P. S.-
Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 41948 of 2022)

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate.

For the Opposite Party/s : Mr. Ramchandra Singh, APP.

(In CRIMINAL MISCELLANEOUS No. 43001 of 2022)

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-09-2022 Learned counsel for the petitioners is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

With the consent of the learned counsel for the

parties, both the matters are being heard together and disposed

of by the present common order.

Heard Mr. Alok Kumar Alok, learned counsel for the

petitioners as well as learned Additional Public Prosecutor for



the State.

The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Ranitalab P. S. Case No. 65 of 2022 giving rise to Special Excise Case No. 569 of 2022 registered for the offences punishable under Sections 419, 420, 468, 471 and 120 (B) of the Indian Penal Code and Sections 30 (a), 32 (i) (ii) of the Bihar Prohibition and Excise Act

As per the prosecution case, it is alleged that the police, on a secret information, intercepted a truck bearing registration no. UP82T0474 and on search, total 661.14 litres illicit foreign liquor of different brands was recovered. It is also alleged that the petitioners being driver and co-driver of the truck, in question were apprehended at the spot.

Learned counsel appearing on behalf of the petitioners submitted that the petitioners being driver and co-driver of the truck were not even aware as to what was being loaded by the transporter/consigner of the goods and the petitioners have had no concern with the truck nor with the incriminating articles, which were said to have been recovered from the truck, in question. It is also submitted that the petitioners being driver and co-driver were only obliged to ply



the truck safely and had nothing to do with the consignment. It is further submitted that the both the petitioners having fair antecedent, are in custody since 04.04.2022 and after completion of the investigation, charge-sheet has been submitted, apart from the fact that the petitioners are ready to give undertaking that they will fully cooperate in the trial till its conclusion.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the petitioners are driver and co-driver of the truck, in question and the same runs for transportation of goods and the petitioners have neither any concern with the said truck nor with the recovered illicit wine and moreover, the investigation of the crime is complete and charge-sheet has been submitted, let the petitioners, above named, 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 Excise Judge, Danapur (Patna) in connection with Ranitalab P. S. Case No. 65 of 2022 giving rise to Special Excise Case No. 569 of 2022, subject to the condition



that one of the bailors will be the close relative of the petitioners
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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