

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45843 of 2022

Arising Out of PS. Case No.-207 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

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1. Prashant Kumar, Son of Ram Naresh Pd. Singh Resident of Village - Keshopur Babhangaon, Ward No.- 1, P.S.- Peru, District - Muzaffarpur.
 2. Sunil Kumar, Son of Vishwanath Rai R/O Gayatri Nagar, Ward No.- 4, P.O.- Bhagwanpur, P.S.- Sadar, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Bidhu Ranjan, Advocate

For the Opposite Party/s : Mrs. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioners and learned APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks.

In the present case, the petitioners seek bail in connection with Excise P.S. Case No. 207 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, recovery of total 131.340 litres of India made foreign liquor was made from a Scorpio vehicle and the petitioners are stated to be the driver and cleaner of the said vehicle, respectively.



The learned counsel for the petitioner submits that petitioners are innocent and they have no knowledge about the consignment loaded on their vehicle. The vehicle was hired by one Dilip Kumar who managed to escape and the petitioners have no idea about nature of the consignment. The petitioners are the driver and khalasi of the seized Scorpio and nothing incriminating has been recovered from their conscious possession. The petitioners are in custody since 02.07.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that petitioners are stated to be driver and cleaner and also considering the submission of charge-sheet and their period of custody, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Purnia in connection with Excise P.S. Case No. 207 of 2022, subject to the condition mentioned in Section 437(3) of the Cr.P.C. and other the following conditions:

- (i) The bail bond of the petitioner no. 2 will be accepted only after framing of charge, if not



already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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