

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48536 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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1. Chhotan Kumar Son Of Nand Lal Ram R/O Village- Mahammadpur, P.S.-
Paru, Dist.- Muzaffarpur
 2. Chandan Kumar Son Of Sitaram Rai R/O Village- Mahammadpur, P.S.-
Paru, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-10-2022 Heard learned counsel for the petitioners and
learned APP for the State.

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 Case No. 39 of 2022 registered for the
alleged offences under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

As per prosecution case, police received secret
information that a black coloured Scorpio vehicle loaded with
illegal liquor was going towards Gopalganj. When the vehicle
was signaled to stop, petitioners tried to run away with the



vehicle but it was intercepted and the petitioners were apprehended. From the said vehicle, total 259.200 liters of foreign liquor was recovered.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The entire prosecution case is false, fabricated and concocted. It is evident that nothing has been recovered from the conscious possession of the petitioners. Learned counsel further submits that the petitioner no. 1 is the driver of the vehicle and the petitioner no. 2 was merely a passenger of the vehicle and they have no knowledge about the articles loaded in the vehicle. Charge sheet has been submitted in this case and the petitioners are in custody since 30.05.2022. The petitioners have got no criminal antecedent.

Learned APP for the State opposes the prayer for bail of the petitioners.

Having regard to the submission made on behalf of the parties and considering the submission of charge sheet along with period of custody of the petitioners and their clean antecedent, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand)each with two sureties of the like amount each to the



satisfaction of learned Additional District and Sessions Judge-IV-cum-Special Excise Court-II, Gopalganj in connection with Excise Case No. 39 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

(i) One of the bailors will be a close relative of the petitioners.

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

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

(Arun Kumar Jha, J)

Gautam/Daya

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