

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47864 of 2022

Arising Out of PS. Case No.-463 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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1. Md. Alam, Son of Late Julfikar, R/v- Rustampur Tigari (Bhogpur),
Laluwala, P.S- Bhogpur, Dist- Muradabad,(Uttar Pradesh)
 2. Jawed, Son of Md. Ahmad, R/v- Rustampur Tigari (Bhogpur), Laluwala,
P.S- Bhogpur, Dist- Muradabad,(Uttar Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate

For the Opposite Party/s : Mr.Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 23-11-2022 Heard learned counsel for the petitioners and learned
A.P.P. 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 Muzaffarpur Excise P.S. Case No. 463 of 2022
registered for the alleged offences under Sections 30(a) and 32(3)
of the Bihar Prohibition and Excise Act.

As per prosecution case, 2601.720 liters of India
made foreign liquor was recovered from a truck owned and driven
by the petitioner no. 1 and petitioner no. 2 was also travelling in
the same truck with petitioner no. 1. Both the petitioners were
apprehended from the spot.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. From the F.I.R. it is evident that alleged recovery was made from a sealed container and petitioners has got no knowledge about the goods lying in the said container. The petitioner was under the impression that he was transporting orange flavor drink of *Johnsons & Johnsons Company* and he has no idea about the illicit liquor kept in the cartons of the orange drink. The petitioner no. 2 is merely a friend of the petitioner no. 1 and he was accompanying him in the truck. When the police party approached the truck of the petitioner, the petitioners did not try to escape and if they were having the knowledge, they certainly would have tried to flee away from the spot. Charge sheet has been submitted in this case and the petitioners are in custody since 01.06.2022. The petitioners have got clean antecedent.

Learned A.P.P. for the State opposes the prayer for bail of the petitioners submitting that the petitioner no. 1 knowingly loaded the illicit liquor and was transporting the same.

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 Exclusive Special Judge Excise Court No. 02, Muzaffarpur in connection with Muzaffarpur Excise P.S. Case No. 463 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)

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