

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 49804 of 2022

Arising Out of PS. Case No.-425 Year-2022 Thana- BIHTA District- Patna

1. Kamaljit @ Kamalu @ Kamal Son Of Late Bhim Singh R/O Village- Udaisipur, P.S.- Gannaur, District- Sonipat, Haryana
2. Jitendra Son Of Ramesh @ Ramesh Sao R/O Village- Udaisipur, P.S.- Gannaur, District- Sonipat, Haryana

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwari, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual mode.

The petitioners seek regular bail in connection with
Bihta P.S. Case No. 425 of 2022 corresponding Special Excise
Case No. 678 of 2022 lodged under Section 30(a), 31, 32 (i) (ii)
(iii), 36, 41 (i) (ii) of the Bihar Prohibition and Excise Act.

As per the prosecution case, total recovery of
4434.405 liter of wine, which was recovered from a truck, is
subject matter of the present case.

Learned counsel for the petitioners submits that
petitioners are innocent and have committed no offence. He
further submits that petitioners are in custody since 04.05.2022
having clean antecedent and charge sheet has already been filed
in this case. He also submits that the liquor has been recovered

in a toilet pan kept in a *daala*, which was completely locked and petitioners were instructed by the agency to hand over the material at the place of discharge. Learned counsel submits that petitioners were completely unaware about the material that was loaded in the truck and it was the agency that instructed them to deliver the material, and the agency was aware of the material inside *daala*.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Danapur in connection with Bihta P.S. Case No. 425 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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