

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49625 of 2022

Arising Out of PS. Case No.-262 Year-2022 Thana- PHULWARIYA District- Gopalganj

1. Sonu Singh Rathore, Son Of Mahendra Singh Rathore R/O Pratap Nagar, Udaypur, P.S.- Pratap Nagar, District- Udaypur, Rajasthan
2. Sohan Singh, Son Of Hari Singh R/O- Kailahpuri Munwas, P.S.- Sukher, District- Udaypur, Rajasthan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwajeet Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-11-2022 Learned counsel for the petitioners submits that some typographical mistakes have been made in paragraphs 7 and 14 of the petition and the same needs to be corrected. Learned counsel further submits that the petitioners are residing at Rajasthan but it has been written in paragraph-7 that they are residents of Haryana and in paragraph-14 the date of incarceration has been mentioned as 23.12.2021 but the correct date of incarceration should be 20.06.2022.

As prayed, learned counsel for the petitioners is directed to correct the aforesaid mistakes in course of the day.

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 Fulwariya P.S. Case No. 262 of 2022 registered for the alleged offences under Sections 30 (A) of the Bihar Prohibition Act and Excise Act.

As per prosecution case, the petitioners were driver and passenger of a car which when ordered to stop, did not stop and it was intercepted and from this car, total 356.250 litres of India made foreign liquor was recovered and the petitioners were apprehended.

The learned counsel for the petitioners submits that the petitioners hired a car on rent for travelling to Muzaffarpur for attending a function at a friend's place and they were not having any knowledge regarding the illicit liquor being transported in the car. The petitioners are residents of Rajasthan. The driver of the car flee away and the petitioners were apprehended by the police. Nothing incriminating has been recovered from their conscious possession of the petitioners since they were having no knowledge that the liquor was kept in the vehicle. The petitioners are in custody since 20.06.2022 and charge-sheet has been submitted. The petitioners have no criminal history.



Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and further considering their clean antecedent along with their period of custody and the submission of charge-sheet, 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 Additional Sessions Judge-II-cum-Special Judge Excise, Gopalganj in connection with Fulwariya P.S. Case No. 262 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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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