

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51355 of 2022

Arising Out of PS. Case No.-85 Year-2022 Thana- KISHANGANJ District- Kishanganj

1. CHANDRAKESH YADAV, S/o Late Birbal Yadav R/o Village- Kolarikhurd, P.S.- Ranikisray, Dist- Azamgarh, U.P.
2. RAMDULARE YADAV, S/o Late Munna Lal Yadav R/o Village- Durgapur, P.S.- Gambhirpur, Dist- Azamgarh, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Surendra Kumar Singh, Advocate Mrs. Sudha Chandra, Advocate
For the State	:	Mrs.Asha Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-11-2022 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 Special (Excise) Case No. 179 of 2022 arising
out of Kishanganj P.S. Case No. 85 of 2022 registered for the
alleged offences under Sections 30(a), 32, 36, 41 and 47 of the
Bihar Prohibition and Excise Act, 2016.

As per prosecution case, police received secret
information about transportation of illicit liquor by a container
truck. The said vehicle was intercepted and petitioners, stated to

be the driver and cleaner of the intercepted truck, respectively were apprehended and from this truck, 9000 liters of India made foreign liquor was recovered.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case without any valid and substantive material. The consignment loaded on the seized truck was to be taken from Arunachal Pradesh to Chadigarh under a valid permit with valid papers. The learned trial court asked for a report from the authorities in the States from which the truck was supposed to cross and authorities have certified the veracity of the consignment and it was further certified to be a valid and genuine consignment with a valid papers. The falsity of the case is further apparent from the facts mentioned in the F.I.R. Three co-accused persons named in the F.I.R. were stated to be escorting the truck and were in regular contact with the driver on mobile phone. But these persons had already been arrested on 06.02.2022 in Dhalbhumgarh (Jharkhand) P. S. Case No. 05 of 2022. They have been granted bail by the Hon'ble High Court of Jharkhand at Ranchi on 21.04.2022, 25.04.2022 and 26.04.2022, respectively. This truck was seized on 28.02.2022. Learned counsel further submits that the owner of the truck has

been granted bail by the learned trial court itself, however, the petitioners being driver and cleaner are in custody since 28.02.2022 and charge sheet has been submitted. The petitioners are having clean antecedent.

Learned A.P.P. for the State opposes the prayer for bail of the petitioners submitting that huge quantity of liquor has been recovered and the petitioners diverted from the route they were supposed to follow.

Perused the records.

Having regard to the submission made on behalf of the parties and considering the submission regarding consignment being bound to a certain destination and the same being supported with valid papers and further 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 2nd Additional District and Sessions Judge-cum-Special Judge Excise-Kishanganj in connection with Special (Excise) Case No. 179 of 2022 arising out of Kishanganj P.S. Case No. 85 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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