

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53924 of 2022

Arising Out of PS. Case No.-101 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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1. Munna Miya, Son of Akhatar Miya, R/V- Lakari Dargah, P.S- Barharia,
Dist- Siwan
 2. Abhishek Kumar puri, Son of Okil Puri @ Akeel Puri @ Okeel Puri, R/V-
Chanave Main Road, Ward no. 1, Post- Lachhwar, P.S - Thawe, Dist-
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Setu Prateek, Advocate

For the Opposite Party/s : Mr.Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 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. 101 of 2022, registered for the
alleged offence under Section 30 (a) of the Bihar Prohibition
and Excise Act.

As per the prosecution case, recovery of 594 litres of
country made liquor was made from a four wheeler and the
petitioners are stated to be the driver and cleaner of the said
vehicle and were apprehended from the spot.



The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Neither the vehicle nor the seized liquor belong to these petitioners. The petitioners being the driver and cleaner their role is to ferry the consignments of the traders on the instruction of the owner of the vehicle and in the instant case they were having no knowledge about the nature of consignments. The owner of the vehicle instructed them to unload the consignment at Gopalganj in the morning and they were following the instructions of the owner in usual course. The petitioners are in custody since 01.08.2022 and the prosecution report has been submitted. The petitioners have got no criminal history.

The learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedents of the petitioners along with the period of custody of the petitioners and submission of prosecution report, they are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District Judge-IV-cum-Special Judge Excise Court No-II,



Gopalganj in connection with Excise Case No. 101 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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