

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63809 of 2021

Arising Out of PS. Case No.-274 Year-2021 Thana- BAISI District- Purnia

1. Md. Mainuddin Ansari @ Mainuddin Ansari, Son of Jamaluddin @ Jamaluddin Ansari Resident of Village - Hasimara satali Tea Garden P.S. Jaikab (Jaigaon) District Alipur (W.B.)
2. Kundan Basphor Son of Ratan Basphor Resident of Village - Dhubgadi, P.S. Dhubgadi, District - Jalpaiguri (WB)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrwal, Sr. Advocate
		Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s	:	Mrs. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 29-07-2022 Learned senior counsel for the petitioners submits that on the last occasion, the petitioners were directed to file a supplementary affidavit giving details about consignor and consignee and E-way Bills as well as GST, but it is not possible for the petitioners to furnish the same and whatever he has been knowing he has filed the supplementary affidavit and the same discloses the fact about the person who loaded the goods on vehicle.

I think the insistence on filing the affidavit with regard to aforementioned details may not be necessary for disposal of this application and hence, the matter is being taken up for hearing.

Heard learned counsel for the petitioners and learned



APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Baisi P.S. Case No. 274 of 2021 registered for the alleged offences under Sections 272, 273 of the Indian Penal Code and Sections 30(a), 41 and 47 of Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, total 837 liters of India made foreign liquor was recovered from a vehicle. The petitioners are stated to be driver and cleaner of the said vehicle.

Learned Senior counsel appearing on behalf of the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case merely on suspicion. The petitioners are merely driver and cleaner and they have nothing to do with the consignment loaded on their vehicle. The charge sheet has been submitted in this case and the petitioners are in custody since 20.09.2021 and are having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove



and considering the fact that the charge sheet has been submitted in this case and the petitioners are in custody since 20.09.2021 and are having clean antecedent, the petitioners above named 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 the learned Special Judge (Excise), Purnea, in connection with Baisi P.S. Case No. 247 of 2021 subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and the following conditions :

- (i) One of the bailors will be the deponent, who has sworn the affidavit.
- (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.

V.K.Pandey/-

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(Arun Kumar Jha, J)

