

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 66280 of 2021**

Arising Out of PS. Case No.-243 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

-
1. SANJAY KUMAR Son of Nathuni Sah Resident of 276, A, Aawapur @ Serpur, P.S.- Pupadi, District - Sitamarhi (Bihar).
 2. Ravilash Mandal Son of Late Vishwanath Mandal Resident of Karmegh, P.S.- Lalmainiya, District - Madhubani.
 3. Rajeev Kumar Son of Arun Yadav Resident of Village - Basha, P.S.- Babubari, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Amit Kumar Singh, Advocate
For the Opposite Party/s : Mr Mohammed Arif, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 01-06-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor (for brevity, *APP*) appearing for the State of Bihar.

The petitioners seek bail in Excise Case No 243 of 2021 registered for the offence punishable under Sections 30 (a), 32 (3) of Bihar Prohibition and Excise Act, 2016.

Petitioners are driver, assistant driver and cleaner of the passenger bus. As per allegation, there is recovery of 33 liters of illicit foreign liquor in two parcels, which were kept in the storage of the bus.

Petitioners' counsel submits that having no criminal



antecedent, the petitioners have become victim of the circumstance. The parcels were loaded by some passenger of which petitioners have no concern. They have remained in custody since 13.08.2021 and their further custody is not required on account of the investigation having been completed.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, fair antecedent, quantum of recovery and the defence that petitioners were merely discharging their professional duty on the bus, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail is allowed. Let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise, Gopalganj in Excise Case No 243 of 2021 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.



(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

U		T	
---	--	---	--

