

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67670 of 2021

Arising Out of PS. Case No.-155 Year-2021 Thana- GANGABRIDGE District- Vaishali

1. SUNIL KUMAR Son of Sri Krishna R/o Village - Gaddi Sisauna, P.S.- Khargoda, District - Sonipath, Haryana.
2. Ajit Son of Suresh Kumar R/o Village - Mad Pirakpur (Palya), P.S.- Rard, District - Sonipath, Haryana.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Advocate.
For the Opposite Party/s : Mr. Upendra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 17-08-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Sumit Shekhar Pandey, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Ganga Bridge P. S. Case No. 155 of 2021 registered for the offences punishable under Sections 467, 468, 471, 420, 120 (B) read with 34 of the Indian Penal Code and Sections 30 (a), 36 and 41 (1) of the Bihar Prohibition and



Excise Act.

As per the prosecution case, it is alleged that the Police, on a confidential information that a huge consignment of illegal liquor is being transported over a truck, raided the place of occurrence and found that some persons are engaged in unloading the illicit wine from the truck in question and the same are being loaded in a Pick-Up Van. Further, one Brezza Car and one Apache motorcycle were found parked there. On noticing the police some persons succeeded in fleeing away, however, the petitioners were apprehended and on search, altogether 4290 litres Indian made foreign liquor was recovered from the truck and Pick-Up Van.

Learned counsel appearing on behalf of the petitioners submitted that from the contents of F.I.R., it is evident that the petitioners were found engaged in loading and unloading of the illicit wine and in fact, both the petitioners are driver and cleaner of the vehicle in question. It is further submitted that the petitioners has neither any concern with the vehicles, which were seized at the place of occurrence nor with the illicit wine, which was recovered from the vehicle. It is lastly submitted that the petitioners are in custody since 20.07.2021, having fair antecedent and moreover, after



completion of the investigation, the charge sheet has been submitted and there is no likelihood of commencement of trial in near future.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioners were arrested at the spot.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioners being driver and *khalasi* of the truck as also they were not even aware as to what was loaded by the owner/consigner of the goods as the truck runs on rent/fare for transportation of goods and moreover, they are in custody since 20.07.2021, having fair antecedent, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur in connection with Ganga Bridge P. S. Case No. 155 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.



- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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