

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71841 of 2021

Arising Out of PS. Case No.-293 Year-2021 Thana- GAIGHAT District- Muzaffarpur

1. Gopal Damar @ Gopal, S/o- Babu Lal Damar, R/o Village- Maulana, P.S.- Sardarpur, District- Dhar (Madhya Pradesh).
2. Pappu Meda, S/o- Shiv Narayan Meda, R/o Village- Labariya, P.S.- Rajot, District- Dhar (Madhya Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate
For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-08-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Anish Kumar, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Gaighat P.S. Case No. 293 of 2021 registered for the offences punishable under Sections 272, 273, 467, 468, 471, 420/34 of the Indian Penal Code and Sections 30(a), 36 and 41(i) of the Bihar Prohibition and Excise Act.

As per prosecution case, it is alleged that the police on a secret information intercepted a truck and on search total 5229.720 litres of illicit foreign liquor was recovered. It is



further alleged that both the petitioners were arrested from the spot.

It is submitted by the learned counsel appearing on behalf of the petitioners that the petitioners happen to be driver and co-driver of the truck and they have neither concern with the alleged truck nor with the alleged illicit liquor, which is said to be allegedly recovered. It is next submitted that the truck, in question, runs for the purpose of transportation of goods by the order of the transporter/consigners and the petitioners being the driver and co-driver even not aware as to what was loaded by the transporter/consigner in the cartoons. It is next submitted that the petitioners are in custody since 26.08.2021, having fair antecedent. It is lastly submitted that there are other serious infirmities in preparation of the seizure list, inasmuch as the same is also in violation of Section 100 of the Cr.P.C.

On the other hand, learned APP for the State opposes the bail application and submits that a huge quantity of illicit liquor has been recovered from the truck and the petitioners were arrested at the spot.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioners happen to be the driver and co-driver of the truck, which runs for the



purpose of transportation of goods on the dictate of the transporter/consigner and these petitioners are in custody since 26.08.2021, having fair antecedent, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Gaighat P.S. Case No. 293 of 2021, subject to the condition that one of the bailors will be the local residents 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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