

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.645 of 2022**

Arising Out of PS. Case No.-44 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.  
District- Araria

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1. Subodh Kumar Ray Son Of Late Akalu Ray Resident Of Village - Fatehpur, Ward No. 11, P.S. - Sahpur Patori, District - Samastipur.
  2. Amit Kumar Son of Late Santosh Sah Resident Of Village - Satanpur, Ward No. 03, P.S. - Ujiyarpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar Pathak, Advocate.

For the Opposite Party/s : Mr. Dashrath Mehta, APP.

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR  
ORAL ORDER**

2      20-06-2022              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. Ashok Kumar Pathak, learned counsel for the petitioner and 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 Farbisganj Circle Excise Case No. 44 of



2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

As per the prosecution case, it is alleged that during the course of vehicle checking one Mahindra Bolero Pick Up Van was apprehended. On search being made, altogether 837 litre of foreign made illicit liquor in various cartoons were recovered.

Learned counsel appearing on behalf of the petitioners submitted that the petitioner no. 1 is a driver and petitioner no. 2 is a cleaner of the said vehicle and, in fact, they were not even aware what was loaded in their vehicle as the owner of the vehicle handed over the vehicle stating them that coconuts are loaded in the vehicle, which is to be dropped on market. It is further submitted that the petitioners being the driver and the cleaner of the vehicle, they have no concerned with the materials, which have been loaded by the consigner. It is next submitted that the petitioners have no criminal antecedent and are in custody since 27.10.2021 and moreover, the investigation has already been completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that a huge recovery of



illicit liquor has been made from the vehicles, which was driven by the petitioners.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioners are the driver and the cleaner of the vehicle having clean antecedent and are in custody since 27.10.2021 apart from that the investigation has already been completed and the charge-sheet has been submitted, 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 2<sup>nd</sup> Additional District and Sessions Judge-cum-Special Excise Judge, Araria in connection with Farbisganj Circle Excise Case No. 44 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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