

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2233 of 2023

Arising Out of PS. Case No.-163 Year-2022 Thana- TISIAUTA District- Vaishali

1. Arjun Bonik @ Arjun Banik S/o Late Jagdish Bonik R/v- Latagauri, P.S.-
Lalbazar @ Malbazar, District- Jalpaiguri (West Bengal)
2. Babu Sona Sarkar S/o Porimal Sarkar R/v- Champasari, P.S.- Pradha Nagar,
District- Darjeeling (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Pandey, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-04-2023 Heard Mr. Aditya Pandey, 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 Tisiauta P.S. Case No. 163 of 2022 registered for the offences punishable under Sections 467, 468, 471, 420 and 120-B of the Indian Penal Code and Sections 30(a), 32(ii) (iii), 36, 41(i), 41(ii) of the Bihar Prohibition & Excise Act, 2018.

In course of patrolling, the police intercepted a truck bearing Registration No. NL-01G 8037 and in course of search, total 2493 *litres* of Indian made foreign liquor was recovered.

Submissions has been made that the petitioners, being



driver and co-driver of the truck, in question, were not even aware as to what was being loaded by the transporter/owner of the truck as the petitioners have neither any concern with the goods loaded by the transporter nor with the truck. He further submits that the petitioners, having fair antecedent, are in custody since 08.12.2022, moreover, investigation of the crime is already complete and the charge-sheet has been submitted.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the recovery has been made from the possession of the petitioners.

Regard being had to the submissions made on behalf of the parties and considering the period of custody and the fact that the charge-sheet has been submitted and there is no likelihood of commencement of trial in near future, let the petitioners, named above, 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 Exclusive Special Excise Court No. 2 – cum - Additional District & Sessions Judge, Hajipur at Vaishali in connection with Tisiauta P.S. Case No. 163 of 2022, subject to the condition that one of the bailors will be the local resident 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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