

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5136 of 2023

Arising Out of PS. Case No.-662 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

1. Devendra Kumar S/O Ramchandra Mahto Resident Of Village- Naub Kothi Bisunpur, P.S.- Naub Kothi, District- Begusarai, Bihar.
2. Sanjeev Kumar S/O Ramesh Chandra Resident Of Village- Rajiv Nagar, P.S.- Sector 31, District- Faridabad, Hariyana.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

- 2 28-04-2023 1. Heard learned counsel for the petitioners and the learned APP for the State.
2. Petitioners seek regular bail in connection with Mohania P.S. Case No. 662 of 2022 dated 10.12.2022 registered for the offences punishable under Sections 414, 420, 467 of Indian Penal Code and Sections 30(A), 41(1) and 47 of Bihar Prohibition and Excise (Amendment) Act, 2022.
3. The main submissions advanced by learned counsel for petitioners are that the instant matter relates to recovery of 2634.360 litres of country made English wine from the alleged truck in which as per prosecution both the petitioners were found but the petitioners were bonafidely discharging their duties as driver and co-driver in the said truck and they had no

knowledge of the loaded wine which was kept hidden beneath other loaded articles in the said truck and moreover, petitioners have fair and clean antecedent and they have been languishing in jail since 11.12.2022.

4. Learned APP for the State has opposed the bail prayer of the petitioners.

5. Considering the above submissions and mainly the facts that both the petitioners are stated to be driver and co-driver of the alleged truck from which the alleged wine was recovered and they have fair and clean antecedent and against them the investigation has been completed, in my opinion, it is a fit case for bail to the petitioners. Accordingly, let the petitioners named above be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of concerned Court in connection with Mohania P.S. Case No. 662 of 2022.

(Shailendra Singh, J)

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