

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7176 of 2023

Arising Out of PS. Case No.-352 Year-2022 Thana- DURGAWATI District- Kaimur (Bhabua)

1. GURENDRA SINGH Son of Amrik Singh Resident of village - Rasulpur Kala, P.S.- Nakodar, District - Jalandhar
2. GURPREET SINGH @ GURPEET SINGH Son of Gurmeh Singh Resident of village - Ugee, P.S.- Nakodar, District - Jalandhar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 01-05-2023 1. Heard learned counsel for the petitioners and learned APP for the State.
2. Petitioners seek regular bail in connection with Durgawati P.S. Case No. 352 of 2022, dated 24.11.2022 registered for the offences punishable under Sections 419, 420, 467, 468 of the Indian Penal Code and Sections 30(a), 32, 41(1) (2) of the Bihar Prohibition and Excise Act.
3. As per the prosecution, police personnel while vehicle checking seized the alleged truck, apprehended these petitioners and upon search recovered 4923.360 litres of *foreign liquor*.
4. The main submissions advanced by petitioners' counsel are that the instant matter relates to the recovery of



4923.360 litres country-made *foreign liquor* and the same is stated to have been recovered from a truck and as per the prosecution's allegation both the petitioners were found in the said truck when the alleged wine was recovered but in actual both the petitioners were performing their duties as driver and co-driver on the said vehicle when the alleged wine was recovered and they had no knowledge about the loaded articles in the said truck and they were only following the instructions given by the owner of the said truck. Further submissions are that both the petitioners have fair and clean antecedent and have been languishing in jail since 24.11.2022 and against them the investigation has been completed.

5. Learned APP appearing for the State has opposed the prayer for bail.

6. Considering the above submissions and mainly the facts that as per the FIR, petitioners were found as the driver and co-driver on the alleged truck from which the alleged huge quantity of *foreign liquor* was recovered and they have taken the plea that they had no knowledge about the loaded articles in the alleged truck when they were apprehended and the wine was recovered and also taking into account their custody period and submission of chargesheet against them and their fair and clean



antecedent as mentioned in the petition, in my opinion it is a fit case for bail to the petitioners. Accordingly, let both 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 the concerned Court in connection with Durgawati P.S. Case No. 352 of 2022 on the following conditions:-

(i) Petitioners will be released after framing of charge.

(ii) The trial court will verify the criminal antecedent of the petitioners through Superintendent of Police, Kaimur (Bhabhua) from DGP of Punjab Police and if any criminal antecedent of the petitioners is found then serious action will be taken against the petitioners by cancelling their bail bonds and initiating legal action against the bailors also as per the procedure of law.

(iii) Both the bailors shall be the local residents within the jurisdiction of trial court having fair and clean antecedent and also having sufficient immovable property to the satisfaction of the trial court.

(Shailendra Singh, J.)

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