

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22099 of 2022

Arising Out of PS. Case No.-6 Year-2022 Thana- SAHEBPUR KAMAL District- Begusarai

1. Sultan Singh @ Nishan Singh, male aged about 36 years S/o Iqbal Singh R/o Harika Patan, P.S.- Harika Patan, District- Tarn Taran, Punjab.
2. Harendra Singh, male aged about 26 years, S/o Prem Singh R/o Pala Saur, P.S.- Tarn Taran, District- Tarn Taran, Punjab.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Sumit Shekhar Pandey, Adv.
For the State	:	Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 03-01-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor appearing for the State of Bihar.

The petitioners seek bail in connection with S. Kamal P.S. Case No. 06 of 2022, registered for the offence punishable under Sections 30(a)/36/41(1) of the Bihar Prohibition and Excise Amendment Act, 2018 and Sections 120(b)/414 and 420 of the Indian Penal Code.

Since 09-01-2022 the petitioners, who are said to be driver and *Khalasi* of the truck, have been in custody. The truck is said to have been seized while transporting 5117.76 litres of foreign liquor.

Learned counsel for the petitioners submits that the petitioners were discharging their professional duties. Being of rustic background from the State of Punjab, they were oblivious of the consequences of the State Act and were also not informed about the contents laden on the vehicle in-question. It is further submitted that they have become victim of the circumstances and have no criminal antecedents, as per disclosure made in para 3 of the bail petition.



Learned APP for the State has opposed the prayer for bail. It is submitted that the petitioners have been apprehended while they were on the truck.

Considering the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners is allowed.

Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Court-02, Begusarai, Bihar, in connection with S.Kamal PS Case No. 06 of 2022, subject to the following conditions:-

(i) That one of the bailors will be father of the petitioner No.2. Since it is submitted that father of petitioner No.1 is no more, his own brother will be one of the bailors.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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