

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23488 of 2023

Arising Out of PS. Case No.-8 Year-2023 Thana- CHANDAN District- Banka

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1. BALVIR KUMAR SINGH S/O- Niranjan Singh @ Niranjan Mishra,
Resident of village-Aakopur, P.S.-Cheriya Bariyarpur, District-Begusarai
 2. MD. FARUQUE S/O- Md. Manjoor Resident of village-Birpur, P.S.-Birpur,
District-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
Ms. Divya Bharti, Advocate
For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 12-05-2023 1. Heard learned counsel for the petitioners and
learned APP for the State.

2. Petitioners seek regular bail in connection with
Special Excise Case No. 15 of 2023 arising out of Chandan P.S.
Case No. 08 of 2023, dated 12.01.2023 registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

3. The main submissions advanced by petitioners’
counsel are that the instant matter relates to the recovery of
69.12 litres of *English Wine* from a Scorpio Vehicle and 865.80
litres of *foreign liquor* from a Bolero pick up van and as per
prosecution’s allegation both the petitioners were found in the



said vehicles but in actual petitioners were performing their duties as driver on the said vehicles on the direction of vehicles' owners and they are not the owner of the said vehicles and they have been languishing in jail since 13.01.2023 and against them the investigation has been completed. Further submissions are that against the petitioner No. 2 there is no criminal antecedent and against petitioner No. 1 there is criminal antecedent of one case which was lodged under the offences of the Indian Penal Code and Arms Act.

4. Learned APP appearing for the State opposes the prayer for bail of both the petitioners.

5. Considering the above submissions and mainly the completion of investigation against the petitioners and petitioners' plea that they were drivers of the alleged vehicles from which the recovery of the alleged wine was made at the time of recovery and also taking into account the fact that both the petitioners did not remain involved in similar type of offence earlier, 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 Special Excise Case



No. 15 of 2023 arising out of Chandan P.S. Case No. 08 of
2023.

(Shailendra Singh, J.)

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