

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32138 of 2022

Arising Out of PS. Case No.-48 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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1. Durga Ram, Son of Late Daya Ram, Resident of Village - Baytu Chimanji, P.S.- Baytu, Distt.- Badmer (Rajashthan).
 2. Bikram, Son of Keshar Ram, Resident of Village - Sinhani, P.S.- Sinhani Chowki, Distt.- Badmer (Rajashthan).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harendra Prasad, Advocate

For the Opposite Party/s : Mr.Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

9 25-01-2023 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in connection with Excise Case No.48 of 2022 instituted for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018, in which Sections 8(c), 21 and 22 of the N.D.P.S. Act, 1985 have been added.

The prosecution case alleges recovery of 19800 bottles of cough syrup (*Phensedyl*), kept in a gunny bag.

Learned counsel for the petitioners submits that the petitioners have given their professional services as Driver and Cleaner to the Transport Company. They were under the



impression that paints and residential furniture were being transported in the vehicle. They had no knowledge that cough syrup was also concealed in the truck. They have thus become victims of the circumstance. The truck has also been released in favour of the Transport Company. Recovered substance is medicine. The petitioners having no antecedents are stated to be in custody since 20.02.2022.

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

Considering the rival submissions, manner of recovery, clean antecedents of the petitioners, period of custody as also the fact that investigation is complete, 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 bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-IV-cum-Special Excise Court-II, Gopalganj, in connection with Excise Case No.48 of 2022, subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the



petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

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