

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60887 of 2022

Arising Out of PS. Case No.-373 Year-2022 Thana- PALIGANJ District- Patna

1. Mukul Kumar Son Of Shayam Bihari Prasad R/O Village- Bari Khagaul, Nauratanpur, P.S.- Khagaul, District- Patna
2. Sandip Rai Son Of Rajendra Rai R/O Village- Bari Khagaul, Nauratanpur, P.S.- Khagaul, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioners and learned
APP for the State.

In the present case, the petitioners seek bail in connection with Special Excise Case No. 1459 of 2022 arising out of Paliganj P.S. Case No. 373 of 2022 registered for the alleged offences under Sections 30(a), 32, 33, 36 and 41(I) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, the petitioners are said to be the driver and cleaner of a pickup van and from the said vehicle recovery of 1515.200 litres of India made foreign liquor was made. Petitioners were apprehended after chase when they tried to flee away from the spot.



Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Petitioners have no concern with the seized liquor as they are not the owner of the said vehicle and the loaded consignment did not belong to these petitioners. The petitioner no.1 is though a driver by profession, he was not a regular driver of the pickup van and he was merely asked to carry the vehicle from Sherghati to Patna on payment of his charges. The petitioner no. 2 is only a cleaner and was not knowing about the nature of consignment. The petitioners are not involved in the trade of illicit liquor. The petitioners are in custody since 30.08.2022 and charge-sheet has been submitted. The petitioners have got no criminal history.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioners and also considering their period of custody and submission of charge-sheet against them, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Danapur, District-Patna in



connection with Special Excise Case No. 1459 of 2022 arising out of Paliganj P.S. Case No. 373 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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