

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66853 of 2022

Arising Out of PS. Case No.-247 Year-2022 Thana- GUTHANI District- Siwan

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1. SATISH KUMAR @ SATISH, Son of Late Ram Singh Resident of Village - Aawla, Police Station - Aawla, District - Barely (U.P.).
 2. Naresh Son of Thakur Das Resident of Village - Aawla, Police Station - Aawla, District - Barely (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Adv
For the Opposite Party/s : Ms. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-02-2023 Today being Friday, matters are being taken up through virtual mode, as per current procedure for hearing.

Heard learned counsel for the petitioners and learned APP for the State.

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

Petitioners seek bail in connection with Guthani P.S. Case No. 247 of 2022 registered under Section 30(a) of Bihar Prohibition and Excise Act.

The petitioners are alleged driver and cleaner of the truck, from which there is recovery of 1913.04 litres illicit liquor.

Learned counsel for the petitioners submits that at the last moment, the professional services of the petitioners were engaged for



driving the truck in question. Being oblivious of the contents, they have rendered their services *bona fide* and become victim of the circumstance, landing in custody. Having clean antecedent, petitioners are in custody since 23.09.2022. Recovery is denied and disputed and is not in accordance with law. Investigation is complete.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, manner of recovery, period of custody and clean antecedent as also the fact that investigation is complete, this Court is inclined to allow the petitioners' prayer for bail. 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 learned Special Excise Court No. 01, Siwan in Guthani P.S. Case No. 247 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor 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 bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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