

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68095 of 2022

Arising Out of PS. Case No.-403 Year-2022 Thana- JAGDISHPUR District- Bhagalpur

1. KAILASH CHANDRA BHEER @ KAILASH CHANDRA KEER SON OF BAGDIRAM @ BAGDIRAM KEER R/O VILL.- NAPABALI, P.S.- NIKUMB, DISTT.- CHITTODGADH (RAJASTHAN)
2. PARAS RAW SON OF JAGDISH RAW R/O VILL.- NAPABALI, P.S.- NIKUMB, DISTT.- CHITTODGADH (RAJASTHAN)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-02-2023 Heard the learned counsel for the petitioners and
the learned APP for the State.

The petitioners seek regular bail in connection with Jagdishpur PS case no. 403 of 2022 instituted for the offences punishable under Sections 272, 273, 120(B) of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 1691.625 liters of illicit liquor from a truck and the petitioners were arrested from the said truck, who are stated to be the driver and the cleaner of the said truck.

The learned counsel for the petitioner submits that the petitioners are innocent, have been falsely implicated in the



present case, they are having clean antecedent and are languishing in custody since 07.09.2022. The learned counsel for the petitioners has further submitted that the petitioners are merely the driver and cleaner of the truck in question, hence they were not aware of the consignment loaded on the said truck, thus, the petitioners have got no complicity in the matter.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the period of incarceration of the petitioners herein apart from the fact that the petitioners are merely driver and cleaner of the truck in question, I deem it fit and appropriate to admit the petitioners to the privilege of bail.

Accordingly, the abovenamed petitioners are directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned court of Special Judge Excise-I, Bhagalpur in connection with Jagdishpur PS case no. 403 of 2022.

(Mohit Kumar Shah, J)

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