

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.378 of 2023

Arising Out of PS. Case No.-289 Year-2022 Thana- DURGAWATI District- Kaimur (Bhabua)

1. Sanjay Kumar S/o Vidharam @ Vidha Ram R/o Village- Dhanauri Road (Prempuri), P.S.- Dankaur, Distt- Gawatam Buddh Nagar, Greater Noida (U.P.).
2. Jagdish S/o Ramchandra R/o Village-House no. 238, Unchi Dankaur, P.S.- Dankaur, Distt- Gawatam Buddh Nagar, Greater Noida (U.P.).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rajani Kant Pandey, Advocate
For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 07-04-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek regular bail in connection with Durgawati P.S. Case No.289 of 2022 dated 01.10.2022 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.

As per the prosecution, the police personnel on secret information seized the alleged vehicle, apprehended these petitioners and recovered in total 630.00 liters of foreign liquor from the said vehicle (pick up van).

The main submissions advanced by the learned counsel for the petitioners are that both the petitioners are driver



and co-driver and they were found in the same capacity on the alleged vehicle when the recovery of the wine was made from the said vehicle, in fact the alleged wine was loaded by the transporter concerned in the alleged vehicle and petitioners were discharging their duties as a driver and co-driver and they did not have any knowledge about the articles in their vehicle and the recovery of the alleged wine was not made from their conscious possession and petitioners have fair and clean antecedent and they have been languishing in jail since 02.10.2022. Further submission is that the petitioners are not the owner of the vehicle and the transporter concerned as well as owner of the seized vehicle has been made accused in the present matter.

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

In view of the facts, as stated above, and mainly considering the facts that both the petitioners are stated to be driver and co-driver of the alleged vehicle from which the alleged wine was recovered and they have taken the plea that the recovered wine was loaded by the transporter concerned in the alleged vehicle, who has also been made accused in the present matter, in the opinion of this Court a lenient approach



can be taken in respect of the petitioners’ prayer, let the petitioners 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 concerned Court in connection with Durgawati P.S. Case No.289 of 2022.

(Shailendra Singh, J)

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