

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71308 of 2023

Arising Out of PS. Case No.-270 Year-2023 Thana- CHAINPUR District- Kaimur (Bhabua)

1. DALJEET SINGH @ LADI SON OF SURENDRA SINGH R/O VILLAGE- SATAUWAL, P.S.- BYPASS, DISTRICT- AMRITSAR (PUNJAB)
2. AKASHDEEP SINGH SON OF VEER SINGH R/O VILLAGE- KAMALKE, P.S.- DHARMKOT, DISTRICT- MOGA (PUNJAB)

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarfraz Ahmad
For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 05-12-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

1. The petitioners seek bail in connection with Chainpur P.S. Case No. 270 of 2023 registered for the offences punishable under Sections 419, 420, 467, 468, 471, 120(B) and under Sections 30(a), 32(i) (ii) and 41 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

2. As per prosecution case, 5155.560 litre foreign liquor was recovered from the truck in question and petitioners were apprehended on the spot.

3. Learned counsel for the petitioners submits that petitioner no. 1 is driver and petitioner no. 2 is co-driver of the



said truck in question. Learned counsel orally submits that petitioners have no concern with the said truck in question. Being a driver and co-driver of the said truck, they have to follow the instruction of owner of the said truck to earn the livelihood. Petitioners have nothing to do with the alleged liquor. No incriminating article has been recovered from their conscious possession. Petitioners are in custody since 30.08.2023 and bear no criminal antecedent. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioners are innocent and have not committed any offence as alleged against them in F.I.R. and they have falsely been implicated in the present case.

4. The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

5. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge,



Excise No. I -cum- A.D.J. IV, Kaimur at Bhabhua in connection with Chainpur P.S. Case No. 270 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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