

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76536 of 2023

Arising Out of PS. Case No.-444 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

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1. Sadasukh Son of Late Punam Chandra Resident of Village - Chainpura Galala, Police Station - Bojasar, District - Joudhpur (RAJASTHAN)
 2. Sandeep Son of Mangana Ram Resident of Village - Mul, Rajnagar, Police Station - Lohabat, District - Joudhpur (RAJASTHAN)

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad

For the Opposite Party/s : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-12-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seek bail in connection with Sadar (Mabbi O.P.) P.S. Case No. 444/2023 registered for the offences punishable under Sections 30(a),36/41 (i) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, there was alleged recovery of total 3429.72 liters foreign liquor from truck in question and the petitioners apprehended on the spot.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. Nothing has been recovered from the conscious possession



of the petitioners. The petitioners are languishing in custody since 04.07.2023 and bear no criminal antecedent. He further submits that the petitioners are not the owner of the alleged truck in question. The petitioner no.1 is driver and petitioner no.2 is co-driver of the said truck and have no knowledge regarding the alleged liquor that has been kept in the said vehicle. The petitioners have to follow the instruction of his owner to earn the livelihood. He further submits that the petitioners have nothing to do with the alleged occurrence. He further submits that the seizure list has not been prepared as per the law. Learned counsel for the petitioner orally submits that the charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused Sonu Kumar who was apprehended on the spot, has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.61433/2023 and the case of present petitioner stands on similar footing.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, period of custody and keeping in view clean antecedent of petitioners, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge-1, (Excise Act), Darbhanga in connection with Sadar (Mabbi O.P.) P.S. Case No. 444/2023, 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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