

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78568 of 2023

Arising Out of PS. Case No.-272 Year-2023 Thana- MEHSI District- East Champaran

1. SATYAPAL SON OF MEHA RAM RESIDENT OF RAJASTHAN, BAGHMER, POLICE STATION - SIDWA, DISTRICT - BARMER (RAJASTHAN)
2. GANPAT SINGH SON OF BHAWAR SINGH RESIDENT OF AKAL, POLICE STATION - SIDWA, DISTRICT - BARMER (RAJASTHAN)

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anupam Prabhat Shrivastava
For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-12-2023 Learned counsel for the petitioners is permitted to make necessary correction in para 1 and prayer portion of bail petition filed on behalf of the petitioner.

1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners seek bail in connection with Mehshi P.S. Case No. 272 of 2023 registered for the offences punishable under Sections 272 and 273 of the I.P.C. and under Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, 5525.280 litre foreign liquor was recovered from the truck in question and petitioners alongwith other was apprehended on the spot.



4. 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 and they are not the owner of the said truck. Being a driver and co-driver of the said truck, petitioners have to follow the instruction of their owner to earn the livelihood. They have no knowledge regarding the alleged liquor that has been kept in the said truck. Petitioners are in custody since 21.08.2023 and bear no criminal antecedent. Petitioners are innocent and have committed no offence as alleged against him in F.I.R. and they have falsely been implicated in the present case.

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

6. 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 Court No. III, Purvi Champaran, Motihari in connection with Mehshi P.S. Case No. 272 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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