

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82028 of 2023

Arising Out of PS. Case No.-637 Year-2023 Thana- GARDANIBAG District- Patna

1. Arvind Bhai @ Arbind Bhai Son Of Girdhar Lal Joshi @ Girdhari Lal Joshi @ Brahman Girdhar Bhai Resident Of Village- Bami, P.S.- Sharda, District- Banaskantha (GUJRAT)
2. Laddu Paswan Son Of Vijay Paswan Resident Of Village- Chamuchak, P.S. Pipra, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar
For the Opposite Party/s : Mr.Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 20-12-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with Special Case No. arising out of Gardanibagh P.S. Case No. 637/2023 registered for the offences punishable under Sections 30(a), 32(2), (3), 36, 41 (i)(ii) of the Bihar Prohibition of Excise Act, 2018 and Sections 467, 468, 471, 120(B) of the Indian Penal Code.

As per prosecution case, 6147.72 litre foreign liquor was recovered from truck in question and both petitioners apprehended on spot.

Learned counsel for the petitioners submits that



petitioners are innocent and has committed no offence as alleged in the FIR and they have falsely been implicated in this case. It is further submitted that petitioners are not owners of the vehicle in question. Petitioner no. 1 (Arvind Bhai) being the driver of the said vehicle has to follow the instruction of the owner to earn his livelihood. Petitioner no. 2(Laddu Paswan) is the facilitator of the alleged occurrence. Petitioners have no knowledge about the alleged recovery made from the vehicle in question. No incriminating article has been recovered from conscious possession of the petitioners. Seizure list has not been made as per law. Petitioners bear no criminal antecedent. Petitioners are in custody since 12.09.2023. Learned counsel orally submits that chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner 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-III, Patna in connection with Special Case No. arising out of Gardanibagh P.S. Case No. 637/2023, subject to the 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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