

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11300 of 2024

Arising Out of PS. Case No.-1797 Year-2023 Thana- Excise P.S. District- Gaya

1. Ravi Ranjan Kumar son of Mr. Basant Sharma R/o- Janta Flat 10/2, Harmu Housing Colony PS- Argoda Distt- Ranchi, Jharkhand
2. Gulshan Kumar son of Mishri Prasad Village- Hajiganj PS- Chowk Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 18-04-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners seek regular bail in connection with Excise P.S. Case No. 1797 of 2023, lodged on 12.10.2023, under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution, FIR has been lodged against the present petitioners under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018, alleging therein that in total 3200 bottles, each containing 100 ml, kept in 200 packed cartoons which is codeine syrup has been recovered from the truck. Petitioner Nos.1 and 2 are the driver and



Khalasi.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that petitioners are innocent and have committed no offence. Counsel submits that they are transporting the alleged excise material under the valid contractual invoice to paid the GST. The materials were not opened and were completely packed. Counsel submits that they were directed to deliver the said bag from Ranchi to Patna for a recognized organization. Counsel submits that they were completely unaware whether the said firms for which the petitioners who are employees of the said transport agency have the valid licence from the Collector to carry the materials. Counsel submits that the antecedent of the petitioners is clean. They are in custody since 13.10.2023. Counsel also submits that in accordance with Excise Act all the said materials and the truck are subject of confiscation. The petitioners are innocent driver and Khalasi.

5. Learned counsel for the State opposes the prayer for bail and submits that huge quantity of excise material have been recovered as codeine has been inserted in the N.D.P.S. category by virtue of amendment of 2016.



6. Upon the specific query of the Court that whether charges have been framed or not. Counsel for the petitioners submits that she is completely unaware about this fact that charges have been framed or not.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioners, above named, be granted bail **only after framing of the charge, if not framed**, on furnishing bail bonds of Rs.2,00,000/- (Rupees Lakhs) each with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court No.3, Gaya, in connection with Excise P.S. Case No.1797/20, subject to the following conditions:

(i) One of the bailor should be the family member of the petitioners who shall provide official document to show his *bona fide*;

(ii) The petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bonds by the Trial Court itself;

(iii) The petitioners shall appear before the concerned police station every month for one year to mark attendance;

(iv) The petitioners shall in no way try to induce or



promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) The petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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