

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29322 of 2024

Arising Out of PS. Case No.-71 Year-2024 Thana- SAHPUR District- Patna

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1. Gopal Lal, aged about 32 years, Male, Son of Sri Narayan Lal Baboo Rai, Resident of Karad, P.S.- Dataramgadh, District- Sikar, Rajasthan.
 2. Sunil Kumar, aged about 28 years, Male, Son of Shrawan Lal, Resident of Haripur, P.S.- Dataramgadh, District- Sikar, Rajasthan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate
For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 18-04-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Special
Excise Case No. 653 of 2024 arising out of Shahpur P.S. Case
No. 71 of 2024 instituted for the offences punishable under
Sections 30 (a), 41 and 56 of the Bihar Prohibition and Excise
Act.

3. As per the prosecution case, total 4276.8 liters of
illicit foreign made liquor has been recovered from a truck
bearing registration no. RJ-37GA-5077.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and have committed no offence and



have falsely been implicated in this case. Petitioners are driver and helper of the truck and they had no knowledge about the loaded liquor in their truck. Petitioners have got no criminal antecedent as stated in para 3 of the petition and is in custody since 22.02.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Special Excise Judge, Danapur dated 20.03.2024, it appears that petitioners are named in the FIR. From perusal of the records, it also appears that the allegation against the petitioners are that huge amount of liquor has been recovered from a truck. Petitioners are driver and helper of the truck. There is no any independent witness of the seizure list, accordingly the prayer for bail of the petitioners are allowed. Let the petitioners above named be released on bail *after framing of charge* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Excise Judge, Danapur in connection with Special Excise Case No. 653 of 2024 arising out of Shahpur P.S. Case No. 71 of 2024.

7. The trial Court is directed to conclude the proceeding of framing of charge according to law within a



period of 15 (fifteen days) from the date of receipt of a copy of this order. However, it is made clear that ***if the charge-sheet has not been submitted*** then the petitioners shall be released on bail on above conditions and further the petitioners shall be present before the trial Court till conclusion of proceeding of trial.

8. One of the bailors shall be close relative of the petitioners. The trial Court is further directed to verify the relationship between the petitioners and the bailors and thereafter their bail bonds shall be accepted.

(Ramesh Chand Malviya, J)

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