

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56780 of 2024

Arising Out of PS. Case No.-617 Year-2024 Thana- Excise P.S. District- Gaya

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1. Vinit Paswan Son Of Dilip Paswan Resident Of Village - Kaithi, P.S. - Chandi, District - Nalanda
 2. Gautam Kumar Singh Son Of Narendra Kumar Singh Resident Of Village - Sindhiya, P.S. Sindhiya, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dipak Kumar, Adv.

For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-08-2024 Heard Mr. Dipak Kumar, learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners seek regular bail, who are in custody in connection with Gaya Excise P.S. Case No. 617 of 2024 registered for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition & Excise Amendment Act, 2018.

3. In course of patrolling, the police intercepted Hyundai i20 car bearing registration no. BR01BG-3130. On search, total 93 liters of Indian Made Foreign Liquor was recovered.



4. Learned counsel for the petitioners contended that the petitioners are driver and co-driver of the seized vehicle and on the instruction of their owner, they were going to Aurangabad, in the meanwhile, they apprehended. It is further contended that since the goods were kept in a box by the owner of the vehicle and, as such, they were not acquainted with the box containing the illicit liquor. There is no compliance of Section 100 CrPC, inasmuch as the witnesses are none else but the police personnel. Be that as it may, petitioner no.1 bears clean antecedent whereas petitioner no.2 bears one criminal antecedent and now, the investigation of the crime is complete, is the contention of learned counsel for the petitioners.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that a huge quantity of illicit liquor has been recovered from the possession of the petitioners.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners are driver and co-driver, who were plying the vehicle on the instruction of their owner, coupled with the fact that the investigation of the crime is complete, let the petitioners, named above, be released on bail on furnishing bail bonds of



Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court No.3, Gaya in connection with Gaya Excise P.S. Case No. 617 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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