

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.82354 of 2023**

Arising Out of PS. Case No.-277 Year-2023 Thana- MEHSI District- East Champaran

1. Jagrup Singh Son of Jagtar Singh Resident of Village- Satowar, P.S.- Bayas, District- Amritsar, Punjab.
2. Gurprit Singh Son of Sarvjeet Singh Residence of Village- Udhorekala, P.S. Matewal, District- Amritsar, Punjab.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Binay Kumar

For the Opposite Party/s : Mr.Nityanand

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      08-01-2024                      Heard learned counsel for the petitioners and  
learned A.P.P. for the State.

2.      The petitioners seek bail in connection with Mehasi P.S. Case No. 277/2023 registered for the offences punishable under Sections 272, 273, 420, 467, 468, 471 of the Indian Penal Code and Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

3.      As per prosecution case, there was alleged recovery of 5631.12 liters foreign liquor from Truck in question having registration no. GJ-02-ZZ-9053 and the petitioner no.1 was alleged to be driver and petitioner no.2 was alleged to be co-driver of the said truck and they were apprehended on the spot. It is further alleged that 5105.960 liters foreign liquor was



also recovered from Truck in question having registration no. DL-1-GE-2259 and co-accused Suraj Kumar was alleged to be driver of the said truck and he apprehended on the spot.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. The petitioners are not in any way connection with the alleged occurrence and nothing has been recovered from the conscious possession of the petitioners. The petitioners are languishing in custody since 25.08.2023 and bear no criminal antecedent. He further submits that the petitioners are not the owner of the alleged vehicle in question. Petitioner no.1 is merely a driver and petitioner no.2 is a co-driver of the said truck and have no knowledge regarding the alleged liquor that has been kept in the said truck. The petitioners have to follow the instruction of his owner to earn the livelihood. He further submits that the seizure list has not been prepared as per the law. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

6. Considering the facts and circumstances of the



case, period of custody and keeping in view clean antecedent of petitioners, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Special Excise Court No.03, East Champaran, Motihari in connection with Mehasi P.S. Case No. 277/2023, 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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