

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40385 of 2020

Arising Out of PS. Case No.-545 Year-2020 Thana- KANTI THERMAL POWER District-
Muzaffarpur

1. Rajesh Kumar @ Rajesh, son of Lakhan Singh, Resident of Village Datauli.
P.S. Ganour, District Sonipat (Haryana)
2. Moolchand, son of Pratap Singh, Resident of Village 558 (C),
Vishwakarma Road, P.S. Narella, District Old Delhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar

For the Opposite Party/s : Ms. Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 29-04-2021 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State, through Video
Conferencing.

The petitioners seek regular bail in connection with
Kanti Police Station Case No. 545 of 2020, registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

The allegation, as per the First Information Report, is
that the police intercepted one truck, bearing registration no.
BR 30 G/4722 and recovered 2014.17 litres of illicit liquor from
the same and also arrested the petitioners, who are driver and
co-driver of the truck in question.



Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case inasmuch as from perusal of the First Information Report, it is admitted position that petitioner no. 1 is the driver and the petitioner no. 2 is the co-driver of the truck and they were plying the truck at the instructions of the owner and were having no knowledge about the illicit liquor being kept inside the truck as consignment. He next submits that the owner of the truck is also an accused in this case. He also submits that the petitioners have got no criminal antecedent and they are in custody since 09.09.2020 and charge sheet has been submitted against the petitioners, as such, there is no likelihood of the petitioners being abscond or tamper with the evidence.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the petitioners are in custody since 09.09.2020, having no criminal antecedent and charge sheet has been submitted against them, I am inclined to grant regular bail to the petitioners.

This application is, accordingly, allowed.

Accordingly, let the petitioners, above named, be released on bail, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the



satisfaction of learned Special Judge, Excise, Muzaffarpur, in connection with Kanti Police Station Case No. 545 of 2020, subject to the condition that one of the bailors shall be the resident of Muzaffarpur district.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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