

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50949 of 2018

Arising Out of PS. Case No.-122 Year-2018 Thana- THAWE District- Gopalganj

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1. Md. Faizan, Son of Rafique Ahmad,
 2. Sahnawaz, Son of Afzal, Both Resident of Village+P.S.- Kairana, Distt- Samali, State- Uttar Pradesh.
 3. Chand Babu, Son of Rasheed Ali, Resident of Village- Rarokh, Kanpur Dehati, P.S.- Mangalpur, Distt- Kanpur, State- Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Smt. Pronati Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 03-10-2018 Heard parties.

Petitioners seeks bail in **Thawe P.S. Case No. 122 of 2018** registered for the offence punishable under Sections 30(a), 35 and 38 of the Bihar Prohibition and Excise Act.

Allegation against the petitioners is of recovery of 1737.600 Litres of foreign liquor from the truck in which they were travelling.

Learned counsel for the petitioners submits that petitioner no. 1 is Driver, petitioner no. 2 is Cleaner and petitioner no. 3 is an employee. It has been submitted on behalf of the petitioners that they were not aware that Liquor has been concealed beneath the Cabbage and only during search and



seizure it was found that liquor was concealed behind the Cabbage. Petitioners have got no criminal antecedent and are in custody since 06.07.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned **ADJ-II cum-Special Judge, Excise, Gopalganj**, in connection with **Thawe P.S. Case No. 122 of 2018**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel their bail bond.

(3) If the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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