

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14562 of 2018

Arising Out of PS.Case No. -19 Year- 2018 Thana -JOKIHAT District- ARRARIA

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1. Ejaul Hossain, Son of Nurul Haque,
 2. Dilip Barman, Son of Hare Krishna Barman, Both are resident of
Village- Netaji Para, Dhupgari, P.S.- Dhupgari, District- Jalpaiguri
(West Bengal).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar

For the Opposite Party/s : Mr. Sri Pradeep Narain Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-03-2018 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail in connection with Jokihat P.
S. Case No. 19 of 2018 for offences punishable under
Sections 30 (A) and 38 (1) of the Bihar Prohibition and Excise
Act, 2016.

The prosecution case, as lodged by the police
personnel, is that on secret tip off a pick up van was recovered
along with 562 liters of illicit liquor. The petitioners were
apprehended while they were trying to flee away. Accordingly, a



seizure list was prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal history and have been falsely implicated. He submits that nothing has been recovered from their conscious possession and are languishing in judicial custody since 28.01.2018. Both petitioners are ready to cooperate in the investigation, provide all necessary information and undertake not to tamper with the evidence or prosecution witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that huge consignment of illicit liquor has been recovered from the pick up van in which the petitioners were present.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged 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 2nd Additional Sessions-cum-Special Judge, Araria in connection with Jokihat P.S. Case No. 19 of 2018 subject to the conditions that:

- (1) One of the bailors would be a close



relative of the petitioners having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

- (2) The petitioners will appear before the concerned police station in the first week of every month till six months until a certificate of good conduct would be given by the officer-in-charge of the concerned police station, failing which, their bail bonds will be cancelled.

(Nilu Agrawal, J)

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