

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10384 of 2019

Arising Out of P.S. Case No.-775 Year-2018 Thana- BARACHATTI District- Gaya

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1. ASHIF AHMAD @ Mohammad ASHIF AHAMAD S/o Wasim Ahmad, Gender-Male, aged 23 years, Resident of House No. 6, Road No. 13A, Zakir Nagar, Post- Azad Nagar, Jameshedpur, Distt.- East Singhbhum, Jharkhand.
 2. Md. Rafique S/o Md. Quam, Gender-Male, age 36, Resident of House No. 6, Road No. 13A, Zakir Nagar, Post- Azad Nagar, Jameshedpur, Distt.- East Singhbhum, Jharkhand.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 21-02-2019 Heard the learned counsel for the petitioners and

learned counsel appearing on behalf of the State.

Petitioners are languishing in judicial custody since
20.12.2018 in connection with Barachatti P.S.Case No.775 of
2018 for the offence alleged under Sections 30(a), 38 and 47 of
the Bihar Prohibition and Excise Act, 2016.

The prosecution case as lodged by the police
personnel is that on secret information that a vehicle is carrying
illicit liquor, the police conducted checking and found a Innova
vehicle on which three persons had boarded who on seeing the
police tried to flee away but they were apprehended. On search
from the vehicle, 108 liters of Indian Made Foreign Liquor was



recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal antecedent, nothing has been recovered from the conscious possession and they are languishing in judicial custody since two months. He further submits that one of the co-accused apprehended along with the petitioners has since been granted the privilege of bail by a coordinate Bench of this Court in Cr.Misc.No.8975 of 2019 vide order dated 15.02.2019. Petitioners undertake to cooperate in the investigation and not to induce witnesses or tamper with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail stating that huge consignment of illicit liquor was recovered from the vehicle and the petitioners were apprehended on the spot.

Considering the facts and circumstances and that on similar allegations the co-accused has already been granted bail, let the petitioners, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Barachatti P.S.Case No.775 of 2018 to the satisfaction of learned Special Judge, Gaya, subject to the following



conditions:-

(i) One of the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating their relationship with the petitioners.

(ii) If the petitioners indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of their bail bonds.

(Nilu Agrawal, J)

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