

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 60653 of 2019

Arising Out of PS. Case No.-414 Year-2019 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. FAISHAL IMAM @ FEJAL IMAM @ FAISHAL EMAM, aged about 23 years, Gender – Male, Son of Gulam Mohammad, Resident of Mohalla- Gudari Bazar, Ward No. 21, P.S.- Town, District- Samastipur.
 2. Md Adil Imam @ Md Aadil Emam, aged about 20 years, Gender – Male, Son of Gulam Mohammad, Resident of Mohalla- Gudari Bazar, Ward No. 21, P.S.- Town, District- Samastipur.
 3. Gulam Mohammad, aged about 47 years, Gender – Male, Son of Shasan Emam, Resident of Mohalla- Gudari Bazar, Ward No. 21, P.S.- Town, District- Samastipur.
 4. Md Guddu @ Arshad Jamal, aged about 25 years, Gender – Male, Son of Akhtiyar Ahamad, Resident of Mohalla- Station Road, Chhoty Masjid, P.S.- Town, District- Samastipur.
 5. Mukesh Kumar, aged about 25 years, Gender – Male, Son of Mukul Sah, Resident of Mohalla - Gudari Bazar, Ward No. 20, P.S.- Town, District- Samastipur.
 6. Md Kafil, aged about 26 years, Gender – Male, Son of Md Jawed, Resident of Mohalla - Gandhi Gali, Ward No 20, P.S. - Town, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rana Sanjay Kumar Singh
For the Opposite Party/s : Mr.Raj Kishore Singh

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 20-11-2019 Heard learned counsel for the petitioners and the
learned APP for the State.

Petitioners seek bail in a case registered under Section
30 (a) of Bihar Prohibition and Excise (Amendment) Act.

Learned counsel for the petitioners submits that the



recovery of 75.240 liters of foreign liquor is from the Parijal Water Plant and not from the petitioners' person. It is submitted that they had visited the said Plant as it was the inaugural ceremony from where they have been taken into custody. The recovery is from the Plant and not from the petitioners. Petitioners are accused in cases since before, details of which have been disclosed in paragraph 3. However, in the said cases, they are on bail. In the instant case, they are in custody since 19.08.2019.

The learned APP for the State has opposed the prayer and submitted that the petitioners were at the Plant wherein recovery has been made.

Considering the rival submissions, this Court is inclined to allow prayer for anticipatory bail of the petitioner.

Let the petitioners above named be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise, Samastipur in Samastipur Mufassil Police Station Case No 414 of 2019, Compute Reg No 1010 of 2019 subject to the following conditions:

- (1) That one of the bailors will be a close relative of



the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(2) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

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