

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12842 of 2021**

Arising Out of PS. Case No.-495 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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1. MD. MUSTAQE ALAM @ MD. MUSTAK ALAM @ MUSTAK ALI S/o Late Md. Mohib R/o village- Masratu, P.S.- Katkam Dag, District- Hazaribagh (Jharkhand)
 2. Shahban Ali @ Sahban Ali S/o Late Noor Mohammad R/o village- Masratu, P.S.- Katkam Dag, District- Hazaribagh (Jharkhand)

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar No.2, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 15-06-2021 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Binod Kumar No. 2, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Excise P.S. Case No. 495 of 2020 registered for the offences punishable under Sections 30 (A) & 56 (B) of the Bihar Prohibition and Excise Amendment Act, 2018.

Learned counsel for the petitioners submits that as per the prosecution story while the informant along with Excise Officer were on patrolling duty, they intercepted one Maruti Omni



bearing Registration No. BR13B-9282 and on search 90 liters illegal foreign liquor was recovered from the said vehicle and the petitioners were apprehended on the spot.

Learned counsel submits that the petitioners are innocent and has falsely been implicated in the present case. It is further submitted that the petitioners has no concern with the seized illicit liquor, petitioner No. 1 was the driver of the vehicle whereas petitioner No. 2 was the khalasi. The petitioners are in custody since 26.11.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it is the case of the petitioners that they have no concern with the seized illicit liquor, petitioner No. 1 was the driver of the vehicle whereas petitioner No. 2 was the khalasi and the alleged goods were being carried at the instance of the owner of the vehicle without having any knowledge of the said liquor being kept therein, the petitioners have remained in jail since 26.11.2020, investigation against them is complete and prior to the present case they had no criminal antecedent, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two



sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Gaya in connection with Excise P.S. Case No. 495 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that one of the bailors would be a



local resident in the State of Bihar having sufficient immovable property.

This application stands disposed of.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

