

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.420 of 2021

Arising Out of PS. Case No.-122 Year-2020 Thana- GOVINDPUR District- Nawada

1. ALTAF RAJA S/o Kadir Mian Resident of Village- Arwa Tand, P.S.- Jamua, Distt- Giridih.
2. Mumtaj Ansari S/o Hadish Ansari Resident of Village- Dighriyakala, P.S.- Bengabad, Distt- Giridih.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Jha, Advocate
		Mr. Sheo Kumar Prasad, Advocate
For the Opposite Party/s	:	Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 26-02-2021 Heard learned Counsel for the petitioners and the learned Counsel for the State.

This Court would expect that the petitioners' Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in Govindpur PS Case No. 122 of 2020 registered under Sections 30(a) & 41 of Bihar Prohibition and Excise Act, 2016.

Petitioners are said to be Driver and Khalasi of the Bolero vehicle, from which 400 liters of illicit foreign liquor has been recovered.

Lerned Counsel for the petitioners submits that they have no criminal antecedent and were bonafide lending their services to the owner of the vehicle oblivious of the fact that illicit liquor was laden on the vehicle in question. Petitioners are in custody since 27.6.2020. Recovery is in contravention of the mandatory search and



seizure procedure.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioners is allowed.

Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 2nd Additional Sessions Judge -cum- Special Judge, Excise, Nawada in Govindpur PS Case No. 122 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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