

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.854 of 2021

Arising Out of PS. Case No.-267 Year-2020 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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1. MD IMAZUL Son of MD KAYUB QURAISHI Resident of Sadpura Basbari Tola, Bari Masjid, P.S. - Kazi Mohammadpur, Dist. - Muzaffarpur.
 2. Md. Seraj Son of Md. Yunus Quraishi @ Yunis Quraishi Resident of Sadpura Basbari Tola, Bari Masjid, P.S. - Kazi Mohammadpur, Dist. - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-03-2021 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 Kazi Mohammadpur PS Case No. 267 of 2020 registered under Section 30(a) of Bihar Prohibition and Excise Act, 2016 and Sections 20(B)(ii)A/27 of NDPS Act.

 6.180 liters illicit liquor and 31 sachet containing 85 grams Ganja is alleged to have been recovered from the house of Suraj Singh. The petitioners are stated to be prospective and habitual buyers and consumers of Ganja and have been apprehended from the roof top of the house.

 Learned Counsel for the petitioners submits that having no criminal antecedent they have become victim of the circumstance



because of their presence at the place of occurrence. Even as per prosecution case there is no recovery of any incriminating material from the possession of the petitioners nor there is any allegation that they were found in intoxicated condition. Under such circumstances the petitioners are in custody since 30.9.2020.

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 Special Judge, Excise Act, Muzaffarpur in Kazi Mohammadpur PS Case No. 267 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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