

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7143 of 2022

Arising Out of PS. Case No.-316 Year-2021 Thana- MAIRWAN District- Siwan

1. Amar Son of Sanjeev Malik Resident of Village - Kharawan, P.s.-I.M.T. Border, Distt.- Rohtak (Haryana).
2. Mohit Malik Son of Rashid Malik Resident of Village - Kharawan, P.s.- I.M.T. Border, Distt.- Rohtak (Haryana).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mazharul Hassan

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-06-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Mairwa
P.S. Case No. 316 of 2021 registered for the offence under
Sections 420 and 120(B) of the Indian Penal Code and Section
30(a) of Bihar Prohibition and Excise (Amendment) Act, 2016.

The accused/petitioners are named in the F.I.R. and
are in custody since 13.10.2021.

The allegation against the petitioners is to have in
possession of 400.800 liters of illicit foreign liquor seized from



the vehicle, where petitioner no.1 is the driver and petitioner no.2 is the labour/helper.

Learned counsel appearing on behalf of the petitioners submitted that petitioner no.1 is the driver and petitioner no.2 is the labour, as such, they were unaware of the consignment of illicit foreign liquor. It has further been submitted that nothing incriminating has been recovered from the conscious physical possession of the petitioner. It has further been submitted that petitioners are persons having clean antecedent and chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that recovery has not been made from the conscious physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery has not been made from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted in this case, let the petitioners, above named, are directed to be released on bail in connection with Mairwa P.S. Case No. 316 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand)



each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Muzaffarpur, subject to the following conditions:

“(i) Accused/Petitioners shall cooperate in the trial and shall be properly represented on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioners duly supported by the documents.

(ii) That one of the bailors shall be Mukesh Devi, who is the mother of petitioner no.2 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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