

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7585 of 2022

Arising Out of PS. Case No.-387 Year-2021 Thana- ROSERA District- Samastipur

1. Arman Malik @ Sitara Son of Md. Israfil Resident of Village- Rahua Milki Ward No.-2, P.S.- Rosera, Distt- Samastipur.
2. Md Irsad son of Md. Kalam Resident of Village- Lakhanipur Mahespatti Ward No.-10, P.S.- Ujiarpur, Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar No1, Advocate
For the State	:	Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 01-07-2022 Heard learned counsel for the parties thorough
virtual Court proceedings.

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

The petitioners seek bail in connection with Rosera
P.S. Case No. 387 of 2021 registered for the offence under
Sections 272, 273 and 34 of the Indian Penal Code and Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

The accused/petitioners are named in the F.I.R. and
are in custody since 03.12.2021.

The allegation against the petitioners is to involve in
the illegal business of illicit liquor where there was a recovery
of 1746.690 liters of foreign liquor.

Learned counsel appearing on behalf of the petitioners



submitted that petitioners do business of iron grill in front of the Urdu Primary School, Rahua from the campus of which it is alleged to be recovered 1746.690 liters of Indian made foreign liquor. It has further been submitted that it was the petitioners who helped the police and disclosed that the alleged vehicle entered into the campus of Urdu Primary School, Rahua, but for no reason petitioners were falsely implicated in the present case, who might be otherwise prosecution witnesses. It has also been submitted that no recovery was made from the conscious physical possession of the petitioners. While concluding the argument, it has been submitted that petitioners are persons having clean antecedent and, moreover, charge-sheet has already been submitted in this case, as such, there is no chance of tampering of evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that nothing incriminating recovered from the conscious physical possession of the petitioners.

Considering the facts and circumstances as mentioned above, as nothing incriminating recovered from the conscious physical possessions of the petitioners, who are persons having clean antecedent coupled with the fact that charge-sheet has



already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Rosera P.S. Case No. 387 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court-I, Samastipur subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present 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 petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Md. Israfil, who is the father of the petitioner no. 1 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Shashank/-

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