

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9107 of 2022

Arising Out of PS. Case No.-499 Year-2021 Thana- BODHGAYA District- Gaya

1. Anul Haque Son of Mansur Alam @ Md. mansur Myan Resident of Village - Khutta, P.s.- Pachamba, Distt.- Giridih (Jharkhand)
2. Md. Akhtar Ansari Son of Md. Usman Ansari Resident of Village - Kodawadih, P.s.- Pachamba and Distt.- Giridih (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2

For the Opposite Party/s : Mr. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-06-2022 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 two weeks
of the complete start of the physical Court in normal course.

The petitioners seek bail in connection with Bodhgaya
P.S. Case No. 499 of 2021 registered for the offence under
Sections 272, 273 and 34 of the Indian Penal Code and Sections
30(a), 32(2), 33, 36 and 41(1) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

The accused/petitioners are named in the F.I.R. and
are in custody since 16.12.2021.

The accusation against the accused/petitioners, is to



be driver and co-driver of a truck loaded with 4200 liters of spirit.

Learned counsel appearing on behalf of the petitioners submitted that it cannot be gathered from the fact as set out in the F.I.R that driver and co-driver were under knowledge, as regard to the consignment of 4200 liters of spirit. While arguing over the matter, it is further submitted that chargesheet in this case has already been submitted, as such there is no chance of tampering with the evidence. It is submitted that recovery cannot be said from the conscious possession of the petitioner. It is further submitted that petitioners are persons with clean antecedent.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that petitioners are man of clean antecedent.

Considering the facts and circumstances as mentioned above and as recovery is not from the conscious possession of the petitioner, coupled with the fact that petitioners are persons having of clean antecedent, let the petitioners, above named, are directed to be released on bail in connection with Bodhgaya P.S. Case No. 499 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 Exclusive
Special Excise Court No.1, Gaya, 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 duly supported by the documents.

(ii) That one of the bailors shall be
the close relative of the accused/petitioners
like mother/father/sister/brother.”

(Chandra Shekhar Jha, J)

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