

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9097 of 2022

Arising Out of PS. Case No.-234 Year-2021 Thana- BAIKUNTHPUR District- Gopalganj

1. Rahim Ansari Son of Chhedi Ansari Resident of Village - Rudrawaliya, P.s.- Turkpatti, Distt.- Kushinagar, (U.P.)
2. Noor Akhtar Ansari @ Noor Akhtar @ Noor Akhar Son of Nathu Ansari Resident of Village - Karkhana Mahua, P.s.- Turkpatti, Distt.- Kushinagar (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Dilip Kumar No.1, 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 Trial No. 5690 of 2021 arising out of Baikunthpur P.S. Case No. 234 of 2021 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The accused/petitioners are named in the F.I.R. and are in custody since 31.07.2021.

The accusation against the accused/petitioners, as set out in the F.I.R., is to be driver and co-passenger of the alleged



vehicle from which 259.200 liters of foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioners submitted that petitioner no.1 and petitioner no.2 are the driver and co-passenger of the alleged pick up van from which recovery of foreign liquor has been made. It has further been submitted that there is nothing appearing on the face of F.I.R. which may suggest that petitioners were under knowledge about the consignment. It is submitted that recovery cannot be said from conscious physical possession of the petitioners. It is further submitted that petitioners are persons with clean antecedent.

Considering the facts and circumstances as mentioned above and as recovery is not made from conscious physical possession of the petitioner, coupled with the fact that petitioners are persons with clean antecedent, let the petitioners, above named, are directed to be released on bail in connection with Trial No. 5690 of 2021 arising out of Baikunthpur P.S. Case No. 234 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 2nd Additional Sessions Judge-cum- Special Judge (Excise), Gopalganj,



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)

Ankit/-

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