

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11111 of 2022

Arising Out of PS. Case No.-32 Year-2022 Thana- PHULWARIYA District- Gopalganj

1. Ansar Ali Son of Md Yushuf R/o- H.N. 83, Village- Baidhikpur, P.S.-
Piperpur, Dist.- Amethi (U.P.)
2. Sarfraz Ahmad Son of Ashfaq Ahmad R/o Village- Baidhikpur, P.S.-
Piperpur, Dist.- Amethi (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-06-2022 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
Phulwariya P.S. Case No. 32 of 2022 registered for the offence
under Sections 420, 467, 468, 471, 120(B) and 34 of the Indian
Penal Code and 30(a) and 41(1) of the Bihar Prohibition and
Excise Act, 2016.

The accused/petitioners are named in the F.I.R. and
are in custody since 27.01.2022.

The allegation against the petitioner no.1 is to be the
driver of the truck and petitioner no.2 to be the co-driver,



bearing Registration no. UP 22 T 5361, which loaded with a consignment of 5181.12 liters of foreign made liquor.

Learned counsel appearing on behalf of the petitioners submitted that there is nothing on record, which may suggest that petitioners were under knowledge as regard to the illegal consignment of foreign made liquor loaded in the truck. It has also been submitted that the allegation of forgery is merely based on suspicion for the reason that a different number plate has been seized from the cabin of the truck. While arguing over the matter, it has further been submitted that the petitioners are man of clean antecedent and also 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 the fact that petitioners are driver and co-driver of the truck.

Considering the facts and circumstances as mentioned above, as there is nothing on record which may suggest that the petitioners were under the knowledge as regard to the illegal consignment of illicit foreign made liquor in the truck coupled with the fact that petitioners are man of clean antecedent, let the petitioners, above named, are directed to be released on bail



in connection with Phulwariya P.S. Case No. 32 of 2022 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 District Judge-II-cum-Special Judge Excise, Gopalganj, subject to the following conditions:

“(i) Accused/Petitioners 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 petitioners duly supported by the documents.

(ii) That one of the bailors shall be Akbar Ali, son of Late Mustfa and who is the deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

U		T	
---	--	---	--

