

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16739 of 2022

Arising Out of PS. Case No.-549 Year-2021 Thana- BIHPUR District- Bhagalpur

1. RUSTAM ANSARI SON OF ISRAIAL MIAN RESIDENT OF VILLAGE-INDHAD BARI JOGUI DHARA, BARABAK ALIPUR, POLICE STATION- MALAKATA, DISTRICT- WEST BENGAL
2. HABIBUL ANSARI SON OF KALIM ANSARI RESIDENT OF VILLAGE- RAHIMPUR TEA GARDEN, POLICE STATION- BIKHARA, DISTRICT- WEST BENGAL

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Manoj Kumar
For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Bihpur (Jhandapur) P.S. Case No. 549 of 2021 registered for the offences punishable under Sections 30(a), 32 of the Bihar Prohibition and Excise Act.

As per prosecution case, total 732 litres foreign liquor was recovered from the vehicle and question and driver and khalasi were apprehended. They disclosed their name as Rustam Ansari and Habibul Ansari (Petitioners).



Learned counsel for the petitioners submits that petitioners are in custody since 09.12.2021. Petitioners bear no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner no. 1 is driver and petitioner no. 2 is helper of the vehicle in question. Petitioners have no concern with the seized liquor. Petitioners were unaware from the fact that what is loaded inside the vehicle in question.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case as well as period of custody and keeping in view clean antecedent of petitioners, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioners above named be released on bail 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 Special Excise Judge 1st Bhagalpur in connection with Bihpur (Jhandapur) P.S. Case No. 549 of 2021, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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