

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34285 of 2021

Arising Out of PS. Case No.-36 Year-2021 Thana- BODHGAYA District- Gaya

1. JUBAIR ALAM @ MD. JUBAIR ALAM Son of Abdul Majid Resident of Village - Abgila, P.S.- Mufassil, District Gaya.
2. Suraj Kumar Yadav Son of Kishor Yadav Resident of Village - Tilaiya, P.S.- Tilaiya and District - Kodarma (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh
Mr. Manish Kumar No. 2
For the Opposite Party/s : APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-01-2022 Heard learned counsel for the parties.

Petitioners seek regular bail in connection with Bodh-
gaya P.S. Case No. 36 of 2021 registered for the offence under
Sections 420, 467, 468, 471, 120(A) of the I.P.C., Section 30(a),
36, 41 (1) of the Bihar Prohibition and Excise (Amendment)
Act, 2018 and Section 27 of the Arms Act.

The prosecution story in brief is that Police got
confidential information that several vehicles are parked near
the garage of one Lakhan Mahto in the village – Amwan,
proceeded towards the place of occurrence and recovered huge
quantity of illicit liquor from the truck and other vehicles and
upon seeing the Police party the accused persons started fleeing



away however, the petitioners along with other accused persons were arrested by the Police.

Learned counsel for the petitioners submits that petitioners have not committed any offence in the manner alleged and the truck and other vehicles from where illicit liquor has been recovered do not belong to the petitioners. He further submits that petitioners have got no criminal antecedent and during search only one mobile phone and a sum of Rs. 440/- were recovered from the possession of the petitioner no. 1 and from possession of petitioner no. 2 a mobile phone was recovered. Learned counsel next submits that petitioners are in custody since 6th February 2021 and no illicit liquor has been recovered from their conscious possession and / or vehicle belonging to them.

Regard being had to the submissions made by the parties and taking into consideration the materials available on record, the fact that petitioners are not the owner of the vehicle from where illicit liquor was recovered, they are in custody since 06.02.2021 having no criminal antecedent and charge sheet has already been submitted, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be



released on regular bail on furnishing bail bond of Rs. 20000/-
(twenty thousand) each with two sureties of the like amount
each to the satisfaction of learned Additional Sessions Judge
IInd cum Special Judge of Excise Act, Gaya in connection with
Bodh-gaya P.S. Case No. 36 of 2021.

(Anil Kumar Sinha, J)

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