

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25745 of 2022

Arising Out of PS. Case No.-165 Year-2022 Thana- AURANGABAD TOWN District-
Aurangabad

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SHAUKAT ALI SON OF LATE BHONDU R/O VILLAGE- TIKARIYA,
P.S.- DEHAT KOTWALI, DISTRICT- GODDA (UTTAR PRADESH)

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukul Kumari
For the Opposite Party/s : Mr.Gulnar Begum

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 03-08-2022 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 G.R.
No. 316/2022 arising out of Aurangabad Town P.S. Case No.
165 of 2022 registered for the offences punishable under
Sections 30(a) of the Bihar Prohibition and Excise Amendment
Act.

As per prosecution case, there is alleged recovery
of 549 litres liquor from two vehicles in question. There is
recovery of 9 litres foreign liquor whiskey from Alto car in
question and petitioner Shaukat Ali is alleged to be apprehended



on spot having seated in Alto Car in question.

Learned counsel for the petitioner submits that petitioner is in custody since 25.03.2022. Petitioner bears 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 the nothing has been recovered from the possession of the petitioner. Petitioner was only found seated in the vehicle in question.

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

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Aurangabad in connection with G.R. No. 316 of 2022 arising out of Aurangabad Town P.S. Case No. 165 of 2022, 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) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers 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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