

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33116 of 2022

Arising Out of PS. Case No.-126 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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1. MD. MUJIBUL S/o Md. Sayeed R/o village- Murlinagar, P.S.- Chakmehsi,
District- Samastipur
 2. Md. Mustakim S/o Md. Kalim R/o village- Utrasadhi Chandwara, P.S.-
Chakmehsi, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vivek Kumar Sinha

For the Opposite Party/s : Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-08-2022 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 in virtual court proceeding.

The petitioners seek bail in connection with Excise
P.S. Case No. 126 of 2022 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

As per prosecution report, there is alleged recovery
of 80.70 litre illicit foreign liquor from tempo in question and
the petitioners were apprehended on the spot.

Learned counsel for the petitioners submits that



petitioners are in custody since 22.04.2022 and bear no criminal antecedent. Prosecution report has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioners are not owner of the tempo in question rather petitioner no. 1 and 2 are driver and co-driver respectively. Petitioners have falsely been implicated in this case.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioners, prosecution report has been submitted in the case 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 Judge, Exclusive Excise Court-2, Samastipur in connection with Samastipur Excise P.S. Case No. 126 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) Petitioners 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 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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