

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44750 of 2021

Arising Out of PS. Case No.-144 Year-2021 Thana- MOTIPUR District- Muzaffarpur

1. MD. RAFIQUE Son of Late Motiur Rahman Resident of Village - Loni Pawi, Ward No. 42, Police Station- Tronika City, District - Gaziyabad (Uttar Pradesh).
2. Aas Mohammad Son of Lal Mohammad Resident of Village - Gonda Road Mahfooz Nagar, Gali No. 08, Police Station - Dehli Gate, District - Aligarh (U.P.)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mazharul Hassan
For the Opposite Party/s : Mr.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-01-2022 Let the defects, if any, be removed within four weeks of the complete start of the Physical Court.

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered in connection with Motipur P. S Case No. 144 of 2021 for the offences punishable under Section 120B/34 of the Indian Penal Code 30(a)/41(1) (2). of Bihar Prohibition Excise Act.

As per F.I.R 162 liters of foreign made liquor was recovered from a truck container.

Learned counsel for the petitioner submits that petitioners have clean antecedent and have been falsely



implicated in this case. Nothing has been recovered from conscious possession of the petitioner. Liquor was recovered from truck container in question. petitioner no.1 is driver and petitioner no. 2 is khalsi of the said truck. Petitioners are in custody since 10.05.2021.

The learned A.P.P opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances as well as submissions of the parties and period of detention of the petitioners, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Motipur P.S.Case No. 144 of 2021,subject to the following conditions;-

1.One of the bailors will be own close relative of the petitioners and jurisdiction of the court below, who will give an affidavit genealogy as to how he is relative to the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

2. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court



and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

3. 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.

4. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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