

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47505 of 2021

Arising Out of PS. Case No.-213 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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1. MD. EMTIYAJ Son of Late Md. Rafic Resident of Mohalla- Bank Colony, Lahkha Ghat, P.S.- Alamganj, District- Patna.
 2. Farhan Ahmad Son of Parbej Alam Resident of Mohalla- Pir Baish Market, P.S.- Alamganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh, Adv

For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-02-2022 Today being Friday, matters are being taken up through virtual mode as per current procedure for hearing.

Heard learned counsel for the petitioners and learned APP for the State.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in connection with Excise P.S. Case No. 213 of 2021 registered under Section 30(a) of the Bihar Prohibition Excise Act.

During routine checking of vehicles, there is alleged



recovery of 155.520 litres illicit liquor from the vehicle. Petitioners along with others are stated to be in the vehicle at the time and place of recovery.

The petitioners' counsel submits that recovery is not in accordance with law. Being *bona fide* passerby, they have falsely been implicated and the seizure is not in accordance with law. Petitioners are in custody since 19.07.2021. One co-accused Enayat Ali has been allowed bail in Cr. Misc. No. 47912/2021.

Learned APP has opposed the prayer for bail. She has submitted that illicit liquor was kept concealed in the vehicle.

Considering the rival submissions, period of custody and the fact that investigation is complete, this Court having regard to the clean antecedents of the petitioner and claim for bail based on parity with Enayat Ali, is inclined to allow the prayer for bail.

Prayer for bail of the petitioners is allowed. Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned II Additional Sessions Judge-cum-Special Court Gopalganj in Excise P.S. Case No. 213 of 2021, subject to the following conditions:-



(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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