

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43985 of 2022

Arising Out of PS. Case No.-441 Year-2022 Thana- BETTIAH CITY District- West
Champaran

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1. SUFIYAN JAMSHED @J AMSHED S/O MD. FARMAN R/o Village- Bulaki Singh Chowk, P.S.- Kalibagh, O.P, District- West Champaran.
 2. MD. TAHIR @ SAJID AHMAD S/O MD. ABBULESH R/o Village- Bulaki Singh Chowk, P.S.- Kalibagh, O.P, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-09-2022 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 Bettiah Town Kalibagh O.P. P.S. Case No. 441 of 2022 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of 84 litre illicit liquor from the old house of co-accused Jagdeo Prasad. There is accusation against the petitioners to have engaged in the business of illicit liquor.



Learned counsel for the petitioners submits that petitioners are in custody since 16.06.2022. Petitioner no. 1 bears no criminal antecedent and petitioner no. 2 bears one criminal antecedent which is not similar to the present case. He further submits that petitioners are not apprehended on the spot. Nothing has been recovered from possession of the petitioners. As per seizure list, entire recovery has been made from the house of co-accused Jagdeo Prasad.

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, petitioners are not apprehended on the spot 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 Exclusive Special Judge, Excise, Bettiah, West Champaran in connection with Bettiah Town Kalibagh O.P. P.S. Case No. 441 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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