

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51193 of 2022

Arising Out of PS. Case No.-449 Year-2022 Thana- SHEKHPURA District- Sheikhpura

1. TASLIM ANSARI SON OF MSTKIM ANSRARI R/O VILLAGE-KAMARDIH, P.S.- TUNDI, DISTRICT- DHANBAD (JHARKHAND)
2. ASHLAM ANSARI SON OF ABDUL RAJJAK R/O VILLAGE-KAMARDIH, P.S.- TUNDI, DISTRICT- DHANBAD (JHARKHAND)

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Nandan Prasad

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-09-2022 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 in virtual court proceeding.

The petitioners seek bail in connection with Sheikhpura P.S. Case No. 449 of 2022, registered for the offences punishable under Sections 30(a), 32, 41 of Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery of 167.685 litre foreign liquor from the pick up van in question in which petitioner no. 1 is driver and petitioner no. 2 is Khalasi and they were apprehended on the spot. It is also alleged that



8.640 litre foreign wine was recovered from the motorcycle in question.

Learned counsel for the petitioners submits that petitioners are in custody since 28.07.2022 and bear no criminal antecedent. Petitioners are not the owner of the pick up van in question. He further submits that petitioners are from poor family and they are working as driver and Khalasi to earn their livelihood. Petitioners are quite innocent and have been falsely implicated in the case. No incriminating article has been recovered from conscious possession or house of the petitioners. There is no compliance of Section 100 of Cr. P.C.

The learned A.P.P. for the State vehemently 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, argument advanced on behalf of both sides 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 Additional District & Sessions Judge-II cum Special Judge Excise, Sheikhpura in connection with Sheikhpura P.S. Case



No.449 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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