

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64570 of 2021

Arising Out of PS. Case No.-230 Year-2021 Thana- DAGARUA District- Purnia

1. Jawed Khan @ Jawed S/o Munshi Khan R/o village- Balsamud Masjid Mohalla, P.S.- Kasrabad, District- Khargaun (Madhya Pradesh)
2. Abdul Maudud @ Abdul Maudud Niyazi @ Abdul Masood Niyazi S/o Mahmood Khan R/o Mohalla- Jhiriya Mohalla, Ward No. 10, P.S.- Pali, District- Umriya (Madhya Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 24-06-2022 Heard learned counsel for the petitioners and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Pre-Trial No. 270 of 2021 arising out of Dagarua P.S. Case No. 230 of 2021 registered for the alleged offences under Sections 272, 273 of the Indian Penal Code read with Sections 30(a), 41 and 47 of the Bihar Prohibition and Excise Act, 2016.

As per allegation, 1715.250 liters of foreign liquor



was recovered from a truck, however, learned counsel for the petitioners has submitted that nothing has been recovered from the conscious possession of the petitioners. The petitioners are said to be the driver and co-driver of the said truck. The petitioners are in custody since 16.08.2021 and are having clean antecedent.

Learned APP has opposed the prayer for bail, submitting that a huge quantity of the liquor has been recovered from the said truck and they have been arrested from the spot.

Having regard to the submissions made hereinabove and considering the period of custody, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Purnea in connection with Pre-Trial No. 270 of 2021 arising out of Dagarua P.S. Case No. 230 of 2021, subject to the following conditions :

(i) The bail bond of the petitioners will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioners.

(iii) The petitioners will remain present on each and



every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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