

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66825 of 2021

Arising Out of PS. Case No.-489 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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Farid Khan @ Farid, Son of Sarif Khan, Resident of Village - Nimrani, P.S.-
Khalchaka Chowki, District - Khargaun, Madhya Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 67162 of 2021

Arising Out of PS. Case No.-489 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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Akash Kumar, Son of Nahar Singh, Resident of Village- Keshari Bhilat
Ramnagar, P.S.- Dhandhiri, District- Aligarh, Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 66825 of 2021)

For the Petitioner/s : Mr.Ranjit Kumar Thakur, Advocate

For the Opposite Party/s : Md. Anbzarul Haque Sahara, APP

(In CRIMINAL MISCELLANEOUS No. 67162 of 2021)

For the Petitioner/s : Mr.Ranjit Kumar Thakur, Advocate

For the Opposite Party/s : Md. Anbzarul Haque Sahara, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-08-2022 Since both the applications arise out of G.O. Case No.

489 of 2021, as such, they have been heard together and are

being disposed of by this common order.

Heard learned counsel for the petitioners and learned

APP for the State.

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 G.O. Case No. 489 of 2021, registered for the alleged offences under Sections 30 (a) and 56 (b) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, total 4496.625 litres of India made foreign liquor, concealed under sacks of rice on a truck, was recovered and the petitioners were apprehended from the spot and they are stated to be a driver and cleaner of the vehicle.

The learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and they have no knowledge about the consignment of illicit liquor. The said consignment was loaded on the truck by the owner and the petitioners were following the directions of the owner of the truck. Nothing incriminating has been recovered from their conscious possession. The prosecution report has been submitted in this case and the petitioners are in custody since 05.09.2021 and are having clean antecedents.

Learned APP opposes the prayer for bail submitting that huge quantity of liquor has been recovered from the



petitioners.

Having regard to the submissions made hereinabove and considering the submission of prosecution report and the period of custody of the petitioners, they 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 Additional Sessions Judge-II-cum-Special Judge, Nawada in connection with G.O. Case No. 489 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on 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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