

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69355 of 2021

Arising Out of PS. Case No.-67 Year-2021 Thana- KALER District- Jehanabad

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1. ARSHAD Son of Umar Jaha
 2. Baseru Son of Subedeen.
- Both are Resident of Village- Sekhreda, P.S.- Muzaffarnagar, District- Muzaffarnagar (Uttar Pradesh).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naushad Akhtar, Adv

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Excise Case No.954 of 2021, Kaler P.S.Case No. 67 of 2021 registered for the offence under Section 30(a)of Bihar Prohibition and Excise (Amendment) Act, 2018.

Recovery is of total 2180.52 liters of English Wine.

Learned counsel appearing for the petitioners submits that petitioners have clean antecedent. They have falsely been



implicated in the present case only on the basis of suspicion. He further submits that it appears from the FIR as well as seizure list that nothing has been recovered from the conscious possession of the petitioners rather the recovery has been made from the Truck in question. In fact petitioner No.1 is the Driver and petitioner No.2 is co-Driver of the Truck in question and they have no knowledge about the alleged liquor. He further submits that the police, after investigation, submitted chargesheet against the petitioners. Petitioners are in custody since 28.10.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise, Jehanabad in connection with Excise Case No.954 of 2021, Kaler P.S.Case No. 67 of 2021 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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