

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59165 of 2022

Arising Out of PS. Case No.-453 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

1. Md. Istehar @ Md. Isteyaque, Son of Md. Mustaque, R/O Village- Jamaldinchak, P.S.- Khagaul, District- Patna
2. Suraj Kumar, Son of Vijay Prasad, Resident of Ganga Nagar Colony, Rupaspur, P.S.- Rupaspur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Murari Mishra, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual court proceeding.

Let the defect (s), if any, as pointed out by the
office, be removed within a period of four weeks.

In the present case, the petitioners seek bail in
connection with Mohania P.S. Case No. 453 of 2022 registered
for the alleged offences under Section 414 of the Indian Penal
Code and Sections 30(a) and 41(i) of the Bihar Prohibition and
Excise (Amendment) Act.

As per prosecution case, during checking of
vehicles, due to suspicious activities of petitioners, their car was
intercepted and searched. Recovery of 131.78 liters of India

made foreign liquor was made from the said car and the petitioners were apprehended.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of this petitioners. The petitioners are the driver and cleaner of the said vehicle and they have no knowledge about the liquor kept in the vehicle. The petitioners were only following the instructions of the owner of the vehicle and they have no concern either with the recovered liquor or the said vehicle. Charge sheet has been submitted in this case and the petitioners are in custody since 20.08.2022. The petitioners have got clean antecedent.

Learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Having regard to the submission made on behalf of the parties and considering the submission of charge sheet along with period of custody of the petitioners and their clean antecedent, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise No. 1-cum-A.D.J.

IV, Kaimur at Bhabhua in connection with Mohania P.S. Case No. 453 of 2022, 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 a 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)

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