

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71730 of 2021

Arising Out of PS. Case No.-217 Year-2021 Thana- CHAKAI District- Jamui

-
1. RAHIM ANSARI Son of Ayub Mian Resident of Village- Ward No. 3, Sariswa, Murarpur, P.S.- Turkauliya, District- East Champaran.
 2. Sunil Prasad Son of Banarsi Sah Resident of Village- Ward No. 1, Parsurampur Turkauliya, P.S.- Turkauliya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-07-2022 Heard learned counsel for the petitioners and learned counsel for the State.

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

The petitioners are in judicial custody in connection with Chakai P.S. Case No. 217 of 2021 for the offences under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

As per the allegation, the police party upon information apprehended one truck and it is alleged that upon search, 2720 liters of prohibited liquor was recovered/seized. The accused persons who accompanied the truck were taken



into custody. Further allegation is that subsequently, they proceeded with one of the co-accused, Mahendra Paswan and intercepted/searched a Bolero vehicle that was parked at the Jamui Road where three people were taking tea and upon search of the said vehicle, allegation is that 80 liters of spirit (prohibited liquor) was recovered/seized. The petitioners herein are the driver and the owner of the said Bolero Vehicle.

Learned counsel for the petitioners submit that they were traveling from Dhanbad and had just made a stop over for a cup of tea. When the police reached and showed the so-called recovery/seizure from his vehicle and forced them to sign blank paper. He further submits that the petitioners are in custody since 22.10.2021 (as stated in paragraph-10 of the bail application).

Taking into account the aforesaid facts that 80 liters of prohibited liquor was recovered/seized from the Bolero vehicle, charge sheet stands submitted and they are in custody since 22.10.2021, this Court is inclined to grant them privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of like amount each to the satisfaction of learned



Additional District and Sessions Judge -II cum Special Judge,
Excise Jamui in connection with Chakai P.S. Case No. 217 of
2021, subject to the following conditions:-

(i) one of the bailor should be the family member of
the petitioners, who shall provide official document to show
his/her *bona fide*;

(ii) the petitioners shall appear on each and every
date before the Trial Court and failure to do so for two
consecutive dates without plausible reasons will entail their
cancellation of bail by the Trial Court itself;

(iii) they shall appear before the concerned police
station every fortnight for next six months to mark their
presence;

(iv) the petitioners shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Jagdish/-

U		T	
---	--	---	--

