

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6997 of 2023

Arising Out of PS. Case No.-540 Year-2022 Thana- JOKIHAT District- Araria

1. JAWED SON OF SAFIQUE, R/O VILLAGE- MAHALGAO, PARA TOLA, P.S.- MAHALGAON (JOKIHAT), DISTRICT- ARARIA.
2. IMRAN SON OF MOJEEM @ MD MOJIB, R/O VILLAGE- MAHALGAO, PARA TOLA, P.S.- MAHALGAON (JOKIHAT), DISTRICT- ARARIA.
3. AKHTAR SON OF LATE ISHAQUE, R/O VILLAGE- MAHALGAO, PARA TOLA, P.S.- MAHALGAON (JOKIHAT), DISTRICT- ARARIA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nadimul Hasan

For the Opposite Party/s : Mr.Shailendra Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 11-05-2023 Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the State.

The petitioners are seeking regular bail in connection with Jokihat Excise Circle-Case P.S. Case No. 540 of 2022, registered for offence punishable under section 30 (a) of the Bihar Prohibition and Excise Act.

As per allegation, 319.07 litres of Codeine Cough Syrup was recovered from a Majic Van driven by petitioner no.3, whereas petitioner nos. 1 and 2 were passengers of that Majic Van.

The learned counsel for the petitioners has submitted



that petitioner nos. 1 and 2 are the persons of clean antecedents, whereas petitioner no. 3 is an accused in a case registered under Sections 411 and 414 of the Indian Penal Code in which he is on bail. The petitioners are under custody since 25.10.2022.

On the other hand, Mr Shailendra Kumar, the learned APP has opposed the prayer for bail.

Considering the above-mentioned facts and circumstances as well as period of incarceration, let the petitioners above-named be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-2, Araria in connection with Jokihat Excise Circle-Case P.S. Case No. 540 of 2022, subject to the following conditions:-

- (i) The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court.
- (ii) At the time of furnishing bail bond, the petitioners shall file an affidavit to the effect that they shall not indulge themselves in future in the similar type of offence. If it is found so, the prosecution will have liberty to file an application before the court below for



cancellation of the bail of the petitioners
and the learned court below will take decision
in accordance with law.

(Nawneet Kumar Pandey, J)

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