

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19983 of 2023

Arising Out of PS. Case No.-201 Year-2022 Thana- BIND District- Nalanda

1. MD. MOBIN ANSARI Son of Matin Ansari Resident of Village - Bodo, P.S.- Pachamba, District - Giridih
2. Hasmuddin Ansari Son of Reyaz Ansari Resident of Azad Nagar, Bhandari Dih, P.S.- Pachamba, District - Giridih
3. Md. Mahtab Khan Son of Anul Khan Resident of Chaitadih, P.S.- Pachamba, District - Giridih
4. Md. Amzad Khan @ Bablu Son of Late Khalil Khan Resident of Kaladiha, P.S.- Giridih Nagar, Dist.- Giridih (Jharkhand)
5. Shankar Poddar Son of Baisaki Poddar Resident of Shastri Nagar, P.S.- Giridih Nagar, District - Giridih (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar
For the Opposite Party/s : Mr. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners prayed for regular bail in connection with Bind P.S. Case no. 201 of 2022 instituted for the offence under Sections 420, 467, 471, 420, 120B, 34 of the Indian Penal Code and Section 30(a), 32(ii), (iii), 34, 36, 38, 41(i)(ii) of the Bihar Prohibition and Excise Act.

As per FIR, the prosecution case relates to recovery of 45 liters English wine from the Dikki of one



Baleno car bearing Reg. No. JH10BS-5521, and petitioners along with co-accused persons were apprehended on the spot. It is further alleged that 689.4 liters English wine was also recovered from one truck bearing Reg. No. DL3LR-5374.

Learned counsel appearing on behalf of the petitioners have submitted that petitioners are innocent and have committed no offence. The petitioner no-1 was driver of the Baleno car due to which he and co-accused persons, who were found sitting in the alleged car, have falsely been implicated in this present case. The petitioners have no concern with the alleged recovery nor vehicles in question belong to them. Nothing incriminating article has been recovered from their conscious possession rather it was recovered from truck and Beleno car and the petitioners are not aware regarding loaded wine. It is further submitted that the seizure list has not been prepared as per provision of u/s 100 of the Cr.P.C.. Moreover, the petitioners are languishing in judicial custody since 30.12.2022.

Learned APP appearing for the State has vehemently opposed the prayer of Bail.



The petitioner No-1 being driver of the alleged Baleno car is directed to deposit a sum of Rs 10,000/- (Ten Thousand) in the District Legal Services Authority of concerned District.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Bind P.S. Case No. 201 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Excise Judge, Biharsharif, Nalanda.

The bail bonds of the petitioner shall be accepted by the learned court below on showing the receipt of deposit of Rs. 10,000/- (Rs. Ten thousand) by the petitioner in the account of the concerned DLSA.

(Sunil Kumar Panwar, J)

Manishkumar/-

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

