

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21010 of 2023

Arising Out of PS. Case No.-749 Year-2022 Thana- BIHPUR District- Bhagalpur

1. Nadeem Son of Sultan Ahmad Resident of village - Sambhal, P.S.-
Choysarai, District - Sambhal (U.P.)
2. Sahbaz Son of Md. Jahruddin Resident of village - Sambhal, P.S.- Nakhash,
District - Sambhal (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate
For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with Bihpur
(Bhawanipur) P.S. Case No. 749 of 2022, registered for the
offences punishable under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per allegation, from a truck 1339.500 litres of
Indian Made Foreign Liquor were recovered. The petitioners
are alleged to be the driver and khalasi of the alleged truck.

Learned counsel for the petitioners submits that
the petitioners are innocent and have falsely been implicated



in this case. He further submits that nothing has been recovered from the conscious physical possession of the petitioners. He also submits that the petitioners were the driver and khalasi of the alleged truck and they were not aware of the contents of the material loaded in the truck.

He further submits that the petitioners have been languishing in jail since 24.12.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, learned APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above- named, to be enlarged on bail on his furnishing bail bonds in the sum of ₹10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of



learned Exclusive Special Excise Judge-I, Bhagalpur, in connection with Bihpur (Bhawanipur) P.S. Case No. 749 of 2022, on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not get hampered on account of their absence or non-cooperation. they must be available to the police or the court whenever his presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite



his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(vi) In case, the petitioners repeat offence of similar nature after enlargement on bail, their bail-bond will be cancelled by the court below.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

Amrendra/-

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