

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 22764 of 2023

Arising Out of PS. Case No.-308 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Kishanganj

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1. MD. TALIM @ MD. ABU TALIM Son of Md. Mannoon R/V- Bhelaganj Ward no. 9, PS- Jokihat, Dist- Araria
 2. Md. Shahnawaz @ Shahnawaz Son of Md. Naiyyar R/V- Bhelaganj Ward no. 2, PS- Jokihat, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Special Case No. 390 of 2023 arising out of Madya Nisedh P.S. Case No. 308 of 2023 registered for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery of 158.100 liters foreign liquor from the Tata Tiago car in question. Petitioners being the driver and co-driver are apprehended on spot.

Learned counsel for the petitioners submits that



petitioners are in custody since 06.03.2023. Petitioners bear no criminal antecedent. Learned counsel further submits that the petitioners are innocent and have falsely been implicated in the present case. Nothing has been recovered from the conscious possession of the petitioners.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, keeping in view clean antecedent of the petitioners and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV-cum-Special Excise Court – II, Kishanganj in connection with Special Case No. 390 of 2023 arising out of Madya Nisedh P.S. Case No. 308 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will



remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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