

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2480 of 2023

Arising Out of PS. Case No.-468 Year-2022 Thana- KOTWA District- East Champaran

1. Manauwar Ali S/O Sajahan Ali Resident Of Village- Mairajhar, P.S.- Gobar, District- Baxa (Assam).
2. Khairul Alam S/O Abdul Kaddus Resident Of Village- Joypur Howly, P.S.- Howly, District- Barpeta (Assam).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 27615 of 2023

Arising Out of PS. Case No.-468 Year-2022 Thana- KOTWA District- East Champaran

Ajay Nut S/O Getharu Nut @GATHARU Nut Resident Of Village- Fardan Pur, P.S.- Tariya, District- Saran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 2480 of 2023)

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

(In CRIMINAL MISCELLANEOUS No. 27615 of 2023)

For the Petitioner/s : Mr.Ajit Kumar Singh

For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 17-05-2023 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners have prayed for bail in a case

registered for the offence punishable under sections



30(a), 32, 36, 41(i)(ii) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 2064 litres of spirit from a Truck bearing Reg. No. AS-28C-9961. The petitioners alleged to be apprehended on spot.

It is submitted by learned counsel for the petitioners that petitioners are innocent and they have falsely been implicated in the present case. They have no concern with the alleged recovery. Nothing incriminating has been recovered from the conscious possession of the petitioners. There is no independent witness of the alleged seizure. Petitioner is languishing in judicial custody since 24.11.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

In contra, learned A.P.P. appearing on behalf of the State vehemently opposed the prayer of Bail and submitted that petitioners namely, Manauwar Ali and



Khairul Alam (Cr. Misc. No. 2480 of 2023) are driver and cleaner of the aforesaid Truck from which huge amount of illicit liquor has been recovered.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1, East Champaran, Motihari in connection with Kotwa P.S. Case No. 468 of 2022.

The petitioners namely, Manauwar Ali and Khairul Alam (Cr. Misc. No. 2480 of 2023), are directed to deposit a sum of Rs. 25,000/-(Rupees Twenty five Thousands)each in the concerned District Legal Services Authority.

The bail bond of the petitioners namely, Manauwar Ali and Khairul Alam (Cr. Misc. No. 2480 of



2023) shall be accepted by the learned Court below on showing receipt of deposit of Rs. 25,000/-(Rupees Twenty five Thousands) each in District Legal Services Authority of concerned District.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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