

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25963 of 2023

Arising Out of PS. Case No.-110 Year-2023 Thana- AGAMKUAN District- Patna

JAKIR SON OF JUMMA R/O SIWANA, P.S.- KHAIRTAL, DISTT.-
ARWAL, RAJASTHAN- 301404

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 26233 of 2023

Arising Out of PS. Case No.-110 Year-2023 Thana- AGAMKUAN District- Patna

MOHD. JAVED Son of Late Mod. Shakoor @ Shakur R/o Falendi, PS-
Pingua, Dist- Nuhu, Haryana

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 25963 of 2023)
For the Petitioner/s : Mr.Kamal Kishor Kumar
For the Opposite Party/s : Mr.Yogendra Kumar Singh
(In CRIMINAL MISCELLANEOUS No. 26233 of 2023)
For the Petitioner/s : Mr.Kamal Kishor Kumar
For the Opposite Party/s : Mr.Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioners and

learned A.P.P. for the State.

The petitioners seek bail in connection with
Agamkuan P.S. Case No. 110 of 2023 registered for the offences
punishable under Sections 420, 120(B) of the IPC and Sections
30(a), 32(2) (3), 36, 41(1) (2) of the Bihar Prohibition and



Excise Act.

As per prosecution case, there is alleged recovery of 4864.08 litre foreign liquor from six wheeler container in question. Petitioner No. 1 is alleged to be driver of the said container and Petitioner No. 2 is alleged to be co-driver of the said container and both apprehended on spot.

Learned counsel for the petitioners submits that petitioners are in custody since 03.02.2023 and bear no criminal antecedent. He further submits that petitioners are quite innocent and have falsely been implicated in the case.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna City, Patna in connection with Agamkuan P.S. Case No. 110 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)

vashudha/-

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