

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26332 of 2023

Arising Out of PS. Case No.-243 Year-2022 Thana- AMDABAD District- Katihar

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ABDUL GAFFAR SON OF MD ISRAIL RESIDENT OF VILLAGE-
PIPRA, PS- SADAR , DISTT- PURNEA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 29241 of 2023

Arising Out of PS. Case No.-243 Year-2022 Thana- AMDABAD District- Katihar

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MUNILAL GUPTA SON OF LATE JAGARNATH GUPTA @ NATHU
GUPTA Resident of village -Mahananda Tola Police Station-Tatuwa District-
Maldah (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 26332 of 2023)

For the Petitioner/s : Mr.Nadimul Hasan

For the Opposite Party/s : Mr.Md. Matloob Rab

(In CRIMINAL MISCELLANEOUS No. 29241 of 2023)

For the Petitioner/s : Mr.Rajendra Prasad Sah

For the Opposite Party/s : Mr.Shaheen Begum

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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
Aamdabad P.S. Case No. 243 of 2022 registered for the offences
punishable under Sections 30(a) of the Excise Act 2016.

As per prosecution case, there is alleged recovery



of altogether 517.800 litre foreign liquor from one magic pick-up van, one tractor and one motorcycle in question. It is further alleged that FIR has been lodged against apprehended co-accused Dulal Mandal.

Learned counsel for the petitioners submits that petitioners are not named in FIR. He further submits that name of the petitioner namely Abdul Gaffar has been transpired in this case as owner of Magic Pick-Up van in question and name of the petitioner namely Munnilal Gupta has been transpired in this case upon the confessional statement of co-accused Dulal Mandal, as mentioned in impugned order. He further submits that petitioner namely Abdul Gaffar is in custody since 05.03.2023 and petitioner namely Munnilal Gupta is in custody since 15.03.2023. He further submits that petitioner namely Abdul Gaffar bears criminal antecedent of three cases out of which one case is of similar nature and in all the cases the said petitioner is on bail and petitioner namely Munnilal Gupta bears no criminal antecedent. He further submits that petitioners are quite innocent and have committed no offence as alleged against them in FIR and they have falsely been implicated in the present case and they are not apprehended on the spot.

The learned A.P.P. for the State opposes the prayer



for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, petitioners are not apprehended on the spot, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner namely Abdul Gaffar who bears criminal antecedent of three cases out of which one case is of similar nature be released on bail, **after framing of charge** and petitioner namely Munnilal Gupta who bears no criminal antecedent 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 Exclusive Special Judge Court No. 1, Katihar in connection with Aamdabad P.S. Case No. 243 of 2022, 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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