

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33294 of 2023

Arising Out of PS. Case No.-338 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Araria

-
1. ASGAR @ MD ASGAR @ MD ASGAR ALI S/O BAKARID SAH R/O
Village- Ward No.13 P.S.-Araria, District-Araria
 2. MD SHAID SON OF MD RIYAJ R/O Village- Ward No.13 P.S.-Araria,
District-Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nadimul Hasan, Advocate
For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 08-06-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with
Araria Excise Circle P.S. Case No. 338 of 2023, lodged on
17.04.2023 under section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018 (hereinafter referred to as ‘the
Act’)

3. As per the prosecution case, the total recovery of
188 litre of excise material, i.e. shown in the seizure list.

4. Learned counsel for the petitioners submits that the



antecedent of the petitioners is clean and they are in custody since 18.04.2023. It is further submitted that petitioner no.1 is the owner of the vehicle whereas petitioner no.2 is the passenger. There is gross violation of section 100 of the Code of Criminal Procedure as the said seizure was not made in presence of the independent witnesses and the chargesheet has already been submitted in this case.

5. Learned APP for the State opposes the prayer for bail and submits that huge quantity of codeine syrup has been recovered which not only excise material but also NDPS material.

6. In the present facts and circumstances, I am not inclined to grant regular bail to the petitioners.

7. Accordingly, the prayer for regular bail of the petitioners in connection with Araria Excise Circle P.S. Case No. 338 of 2023, pending before the learned Exclusive Spl. Excise Court-2, Araria, is hereby rejected.

8. However, the petitioners would be at liberty to renew the prayer for bail after framing of charge. The trial Court is directed to release the petitioners on bail after framing of charge by imposing its own condition so that the petitioners may not evade appearance on the date fixed.



9. With this observation, the bail application stands disposed of.

(Dr. Anshuman, J)

Ashwini/-

U			
---	--	--	--

