

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43493 of 2023

Arising Out of PS. Case No.-385 Year-2023 Thana- KATIHAR NAGAR District- Katihar

1. MAHBOOB ALAM @ LAL KHAN Son of Md. Israil Resident of Mohalla - Sharifganj, P.S.- Sahayak, District - Katihar.
2. Md. Imtiyaz @ Intaz Son of Md. Israil Resident of Mohalla - Sharifganj, P.S.- Sahayak, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Ranjan

For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 21-07-2023 As prayed for, learned counsel for the petitioners is permitted to make necessary correction in the petition during course of the day.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners have prayed for bail in a case instituted for the offence under Section 30(a) of Bihar Excise and Prohibition Act.

Prosecution case relates to recovery of 50 litres of cough syrup and an amount of Rs. 2,97,000/- from the house of the petitioners.

Learned counsel appearing on behalf of the petitioners



has submitted that petitioners are innocent and have committed no offence. For a single offence, both the petitioners who are full brothers were implicated in this case. So far as recovery of cash amount is concerned, petitioners have kept the an amount of Rs. 4 lac for construction of their house but only 2,97,000/- has been shown as recovery and rest of the amount were concealed by the police party. In fact, petitioner no. 1 is running a business of tour & Travel and S.H.O. asked him to send one scorpio car but due to unavailability, he could not send then SHO became biased and implicated him and his brother in this case, showing false recovery from their house. They have got no criminal antecedent. Neither the petitioners were arrested on spot nor any incriminating article has been recovered from their conscious possession. Petitioner voluntarily surrendered on 27.5.2023 and since then they are in jail.

Learned APP appearing for the State has opposed the prayer of Bail.

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
Additional District and Sessions Judge, Excise Court No. 2,
Katihar in connection with Town (Sahayak) P.S. 385 2023.

(Sunil Kumar Panwar, J)

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