

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50542 of 2023

Arising Out of PS. Case No.-266 Year-2023 Thana- BAISI District- Purnia

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1. MD. MUNIB ALAM @ MD. MUNEB ALAM SON OF MD. FAIYAZ ALAM @ FAIYAZ ALAM @ MO FAJAJ ALAM RESIDENT OF VILLAGE- CHARIYA BHASIYA, PS- BAISI, DISTT- PURNEA
 2. RAHUL KUMAR YADAV @ RAHUL YADAV SON OF VINOD YADAV RESIDENT OF VILLAGE- CHARIYA BHASIYA, PS- BAISI, DISTT- PURNEA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Adv.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-08-2023 1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. Petitioners, who are in custody since 27.06.2023 seek bail in connection with Baisi P.S. Case No.266/2023 registered for the offences punishable under Sections 272, 273, 34 of the I.P.C. & Sections 30(a), 41 and 47 of the Bihar Prohibition and Excise Act, 2016.

3. According to prosecution case, total 94.590 litres of foreign liquor has been recovered from the possession of the petitioners.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been



implicated in the present case. He further submits that from perusal of the F.I.R. as well as seizure list, it appears that nothing has been recovered from conscious possession of the petitioners rather the recovery has been made from the tempo in question and the petitioners are not the owner of the tempo in question and they have no concern at all with the alleged recovery of illicit liquor. He further submits that the petitioner no.1 is driver and the petitioner no.2 is passenger of the tempo in question and the petitioners are in custody since 27.06.2023.

5. Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise-01), Purnea in connection with Baisi P.S. Case No.266/2023, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and



on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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