

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57996 of 2023

Arising Out of PS. Case No.-382 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

1. MOHAMMAD ESMAEL @ ISAMAIL S/O ALI AKHTAR R/O VILLAGE-MOHAMADABAD GALIMPUR, PS. MOHAMADABAD, DIST. MAU (U.P.)
2. SAMSHUL HAQUE S/O MOHAMMAD SULEMAN R/O VILLAGE-BHERBANIYA, PS. BHAGWANPUR, DIST. SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh, Adv.
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-09-2023 1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. Petitioners, who are in custody since 25.07.2023 seek bail in connection with Kuchaikote P.S. Case No.382/2023 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. According to prosecution case, total 3537 litres of foreign liquor has been recovered from the container 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., it appears that nothing has been recovered from conscious possession of the petitioners rather the recovery has been made from the container/truck in question and the petitioner no.1 is driver of the vehicle in question and he has no concern at all with the alleged recovery of illicit liquor. The petitioners are in custody since 25.07.2023.

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, after framing of charge, 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 Additional District and Sessions Judge-IV-cum-Exclusive Special Excise Court No.II, Gopalganj in connection with Kuchaikote P.S. Case No. 382/2023, subject to the following conditions:-

1. One of the bailors should be the father of the petitioners.

2. 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.

3. 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.

4 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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