

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57950 of 2023

Arising Out of PS. Case No.-211 Year-2023 Thana- GAIGHAT District- Muzaffarpur

1. Hanif Bhai Rajad @ Rajad Hanifbhai Ismailbhai S/O Ismail Bhai R/O Village- Iqbalgadh, P.S- Iqbalgadh Amirgadh, Distt.- Banas Kantha, Gujarat.
2. Gulzar Sha Zuneja S/O Gulab Sha Zuneja, R/O Village- Jasleni, P.S- Palanpur, Distt.- Banas Kantha, Gujarat.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 09-11-2023 Heard learned counsel for the petitioners and learned
APP for the State.

02. In the present case, the petitioners seek bail in connection with Gaighat P.S. Case No. 211 of 2023 registered on 04.06.2023, for the alleged offences under Sections 272, 273, 420, 120(B)/34 of the Indian Penal Code and Sections 30(a),/32/36/41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

03. As per prosecution case, the police received secret information about a truck carrying huge quantity of illicit liquor. The police started checking the vehicles and the identified truck was signaled to stop. The petitioners who were driver and co-



driver, respectively, of the said truck were apprehended when recovery of 7930.080 liters of India made foreign liquor was made from the said truck.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners have been made accused as they are driver and co-driver of the said truck, but the petitioners have nothing to do with the alleged seizure of illicit liquor. The petitioners are not the owners of the vehicle in question and the allegation levelled against the petitioners for their involvement in the illicit trade of liquor is merely an allegation. The petitioners are having clean antecedent and they are in custody since 05.06.2023. Charge-sheet has been submitted in this case.

05. Learned APP for the State vehemently opposes the prayer for bail submitting that a huge quantity of about 8000 liters of India made foreign liquor was recovered from the truck being driven by the petitioners.

06. Perused the record.

07. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the clean antecedent of the petitioner and further considering the period of custody of the petitioners along with submission of



charge sheet, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-I, Muzaffarpur, Bihar in connection with Gaighat P.S. Case No. 211 of 2023, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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