

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63694 of 2023

Arising Out of PS. Case No.-177 Year-2023 Thana- MOHAMMADPUR District- Gopalganj

1. Babar Ali S/O Ramtulla Sai @ Ramtullasai @ Ramtulla Ali R/O Village- Kawe @ Kabe, P.S- Bhore, Distt.- Gopalganj.
2. Aslam Ansari S/O Akbar Ansari @ Akabar Ansari R/O Village- Kawe @ Kabe, P.S- Bhore, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Setu Prateek

For the Opposite Party/s : Mr.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 10-10-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have filed the instant application for grant of regular bail in connection with Mohammadpur P.S. Case No. 177 of 2023 registered under section 30(a) of the Bihar Prohibition and Excise Act and Sections 467, 468, 471/34 of Indian Penal Code.

The prosecution case in nutshell is that informant, being a police official, on secret information intercepted a Mahindra XUV vehicle bearing Reg. No. BR-28G-0561. Total 294.09 litres of IMFL has been seized from the said vehicle. Petitioners were apprehended on the spot.



Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They have falsely been implicated in the present case. They have no concern either with the vehicle in question or with the recovered illicit liquor. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent. Moreover, the petitioners are languishing in judicial custody since 26.07.2023.

The application for bail is opposed by learned APP for the State and submitted that the petitioner No. 1, namely, Babar Ali was driver of the said vehicle from which recovery of illicit liquor has been made.

The petitioner No. 1, namely, Babar Ali is directed to deposit a sum of Rs. 10,000/- (Rs. Ten Thousand) in the District Legal Services Authority of the concerned District.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioners, the Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Mohammadpur P.S. Case No. 177 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned



Additional Sessions Judge-II-cum-Special Judge Excise-I,
Gopalganj.

The bail bonds of the petitioner No. 1, namely, Babar Ali shall be accepted by the learned lower Court below on showing the receipt of deposit of Rs. 10,000/- (Rs. Ten Thousand) by the petitioner No. 1, namely, Babar Ali in the account of concerned DLSA.

(Sunil Kumar Panwar, J)

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