

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64647 of 2023

Arising Out of PS. Case No.-21 Year-2023 Thana- RAMPUR HARI District- Muzaffarpur

1. Md. Ehshan @ Md. Toofan Son Of Majrul Shekh Resident Of Village - Nautanwa, P.S. - Sikarpur, District - West Champaran
2. Shekh Shafi Ahmad Son Of Nayeem Mian Resident Of Village - Kukra, P.S. - Sikarpur, District - West Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nitu Kumari, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seek regular bail in connection with Rampur Hari P.S. Case No. 21 of 2023 lodged under Sections 414, 420, 467, 468, 471, 120B of the I.P.C. read with Sections 30(a), 32(ii), (iii), 36, 41(i) (ii) of the Bihar Prohibition of Excise Act.

3. As per the prosecution case, the total recovery of 681.300 liter wine has alleged to be made which is subject matter of the present case in which there were 11 persons were made accused including the present petitioners.

4. Learned counsel for the petitioners submits that the

said the said recovery has been made from a vehicle. The petitioners are neither driver nor owner or *khalasy* of the said vehicle. Counsel submits that they are labour and resident of the same locality. He submits that antecedent of the petitioners are clean and they are in custody since 22.08.2023.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise Court No. II, Muzaffarpur in connection with Rampur Hari P.S. Case No.21/2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail

bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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