

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69819 of 2023**

Arising Out of PS. Case No.-195 Year-2023 Thana- HASPURA District- Aurangabad

1. Md. Naeem, Son of Md. Dawood, R/o vill - Belwari, P.S. - Palasi, Distt. - Araria
2. Munna, Son of Md. Haroon, R/o vill - Belwari, P.S. - Palasi, Distt. - Araria
3. Khurshid, Son of Riyazul, R/o vill - Belwari, P.S. - Palasi, Distt. - Araria
4. Md. Rahil, Son of Md. Hasib, R/o vill - Belwari, P.S. - Palasi, Distt. - Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ravindra Kumar, Advocate  
For the Opposite Party/s : Mr. Nityanand, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      06-11-2023                      Heard learned counsel for the petitioners and learned  
APP for the State.

2. In the present case, the petitioners seek bail in connection with Haspura P.S. Case No. 195 of 2023 registered on 08.07.2023 for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, police received secret information about co-accused persons bringing illicit liquor on a truck and they were trying to smuggle it to some other place. A raid was conducted and the petitioners were found unloading the liquor from the truck. Co-accused persons who brought the truck fled away from the spot. Total 1053 litres of India made



foreign liquor was recovered from the truck.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners are labourers at the brick kiln where they have been working for their livelihood. On the place of occurrence they were sleeping and police arrived and apprehended them. Not a single carton of liquor was unloaded from that truck and it suggests false implication of the petitioners. Petitioners have nothing to do with the seized truck or the liquor. Nothing incriminating has been recovered from their conscious possession. Petitioners are in custody since 08.07.2023 and charge-sheet has been submitted. Petitioners are having clean antecedent.

5. Learned APP opposes the prayer for bail submitting that petitioners were found unloading the liquor from a truck.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that petitioners are said to be labourers coupled with the fact that no recovery has been shown from the petitioners who are having clean antecedent and also considering the submission of charge-sheet along with their period of custody, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty



thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-II, Aurangabad, in connection with Haspura P.S. Case No. 195 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be the person, who has sworn the affidavit in the case.

(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 bonds of the petitioners will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

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