

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67575 of 2022

Arising Out of PS. Case No.-772 Year-2022 Thana- TURKAULIYA District- East
Champaran

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1. Md. Tarik Sheikh S/o Ayub Sheikh R/o Village- Nala Sumara, P.S.- Malhar, Distt- Palghar(Maharashtra).
 2. Samshad Sheikh S/o Ayub Ali R/o village- Devgaw, P.S.- Devgaw, Distt- Ajamgarh (Uttar Pradesh).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr .Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 03-02-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with
Turkauliya P.S. Case No.772 of 2022, registered for the
offences punishable under Sections 272, 273, 34 of the
Indian Penal Code and 30(a), 41(i) of the Bihar Prohibition
and Excise Act, 2016.

As per allegation, 480 liters of sprit kept in a gallon
has been recovered from a truck bearing Registration no.
MH48CB-4641.

Ld. counsel for the petitioners submits that the



petitioners are innocent and have falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioners. He also submits that the petitioners are driver and co-driver of the alleged truck and not the owner.

He further submits that the petitioners have been languishing in jail since 12.08.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld.



Exclusive Special Excise Court No.-1, East Champaran,
Motihari in connection with Turkauliya P.S. Case No.772 of
2022 on the following conditions:

(i) The petitioners will make themselves available
for interrogation by a police officer/court as and when
required.

(ii) The petitioners will undertake that
investigation/trial will not hamper on account of their
absence or non-cooperation. They must be available to the
police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly
make any inducement, threat or promise to any person
acquainted with the facts of the case so as to dissuade them
from disclosing such facts to the court or to any police
officer.

(iv) In case, it is brought to the notice of the court
below that the petitioners have any criminal antecedents, Ld.
court below shall cancel the bail bonds of the petitioners
after hearing them and getting satisfied that the petitioners
have concealed their criminal antecedents despite their



knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

(vi) In case, the petitioners repeat offence of similar nature after enlargement on bail, their bail bond will be cancelled by the court below.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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