

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63115 of 2022

Arising Out of PS. Case No.-606 Year-2022 Thana- ARARIA District- Araria

Sagir Hussain Son Of Sanaulla Shekh @ Somawallah Ahmed R/O Gutlong,
Tejpur, P.S.- Tajpur, District- Sonitpur (assam)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 69028 of 2022

Arising Out of PS. Case No.-606 Year-2022 Thana- ARARIA District- Araria

SONU Son of Ramesh Singh R/o Hariyana Bagru, P.S.- Sadar, District-
Sonipath (Haryana)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 63115 of 2022)

For the Petitioner/s : Mr. Md. Ziaul Quamar

For the Opposite Party/s : Mr. Md. Shakir Ahmad

(In CRIMINAL MISCELLANEOUS No. 69028 of 2022)

For the Petitioner/s : Mr. Mahendra Thakur

For the Opposite Party/s : Mr. Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 06-01-2023 Heard Ld. counsel for the petitioners and learned

APP for the State.

The petitioners seek bail in connection with Araria

P.S. Case No. 606 of 2022, registered for the offences

punishable under Sections 467, 468, 420 of the Indian Penal

Code and Sections 30 (a), 32,(1)(2), 36 and 41(1)(2) of the



Bihar Prohibition and Excise Act, 2016.

As per allegation total 3294 liters illicit liquor was recovered from a truck bearing Registration No. WB73G-0127.

Ld. counsel for the petitioners submit 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 further submits that the petitioners have been languishing in jail since 18.07.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners, have one 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, the Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, this application 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 the Ld. Exclusive Special Judge, Excise-1, Araria, in connection with Araria P.S. Case No. 606 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, the



learned court below shall cancel the bail bond 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, the learned court below shall cancel the bail bond of the petitioners.

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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