

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3982 of 2024

Arising Out of PS. Case No.-539 Year-2023 Thana- SAHPUR District- Bhojpur

1. Wajid Ali S/O Sarfudin Village- Khawaja Nagla, Ps. Chapaurali, Dist.Waghpeth, Uttar Pradesh.
2. Ashish Tayagi S/O Jay Vir Tyagai Village- Huzur, Ps. Parisitgarh, Dist.Meerut., Uttar Pradesh.
3. Md. Anish S/O Nausad Village- Badot, Ps. Waghpeth, Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 25-01-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek regular bail in connection with Shahpur P.S. Case No. 539 of 2023 registered for the offence under Sections 419, 120, 467, 468, 471, 120B of the IPC and Sections 30(a), 32(1)(2), 36, 41(1)(2) of the Bihar Prohibition and Excise Act.

3. It is a case of recovery of total 1649.520 liters of foreign liquor along with other materials from vehicles. The accused persons including the petitioners are said to have been indulged in smuggling of liquor.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have committed no offence. They have falsely been implicated in this case. It is further submitted vide para 8, 9 & 10 of the petition that the petitioner no.1 is the brother-in-law of Md. Taslim, petitioner no.2 is the owner of DCM truck bearing Reg. No. UP238AT-2554 and petitioner no.3 is cousin of Proprietor of AM Foods who booked his consignment with Jay Baba Mini truck Transport Company, Badot, Bagpat, UP for carrying several materials to Andhra Pradesh. Prior of lodging the present FIR, an another case was also lodged by father of the deceased, Aanam, having Shahpur P.S. Case No. 537 of 2023. The present case only shows recovery of liquor but no any incriminating article has been recovered from conscious possession of the petitioners. The petitioners have got no criminal antecedents as stated in para-3 of the bail petition and they are are languishing in judicial custody since 26.11.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody period, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released



on bail in connection with Shahpur P.S. Case No. 539 of 2023
on furnishing bail bond of Rs.10,000/- (ten thousand) each with
two sureties of the like amount each to the satisfaction of
learned Exclusive Special Court of Excise-II, Bhojpur at Ara.

(Sunil Kumar Panwar, J)

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