

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14587 of 2024

Arising Out of PS. Case No.-483 Year-2023 Thana- JOKIHAT District- Araria

1. Md. Gaffar S/o Late Md. Subhan Resident of Village- Baijnathpur (Gamharia), P.S. Sour Bazar, District- Saharsa
2. Md. Aslam S/o Md. Safruddin Resident of Village- Baijnathpur (Gamharia), P.S. Sour Bazar, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisu Zzoha, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 04-03-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Jokihat
P.S. Case No. 483 of 2023 instituted for the offences under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, the police has recovered
total 205.875 liter illicit wine from the tempo.

4. Learned counsel for the petitioners submit that the
petitioners are innocent and have committed no offence as
alleged against him and has falsely been implicated in the
present case due to police mechanism. The petitioner no.1 is the
driver of the tempo and the petitioner no.2 is the cleaner and



have no concern with the seized illicit foreign liquor. The petitioners are not the owner of the alleged vehicle. The petitioner no.1 has one criminal antecedent in which he is on bail and the petitioner no.2 has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioners are languishing in judicial custody since 17.10.2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioners, let the petitioners, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Jokihat P.S. Case No. 483 of 2023.

(Rudra Prakash Mishra, J)

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