

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42649 of 2024

Arising Out of PS. Case No.-36 Year-2024 Thana- BALIGAON District- Vaishali

Md. Jubair @ Md. Jubair Alam, aged about 35 years, Male, son of Md. Rafique, resident of Village- Bahadurpur Chiknauta, P.S.- Baligaon, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 47172 of 2024

Arising Out of PS. Case No.-36 Year-2024 Thana- BALIGAON District- Vaishali

Sonu Chaurasiya @ Sonu Kumar, aged about 30 years (Male), son of Shiv Kumar Bhagat, resident of Village- Sujawalpur, P.S.- Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 42649 of 2024)
For the Petitioner/s : Ms. Suruchi Anand, Advocate
Ms. Nidhi Anand, Advocate
For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP
(In CRIMINAL MISCELLANEOUS No. 47172 of 2024)
For the Petitioner/s : Mr. Anish Kumar, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 20-07-2024 Both the cases are taken up together for hearing as they are arise out of the same PS case number and are being disposed of by this common order.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.



3. The petitioners apprehend arrest in connection with Baligaon PS Case No.36 of 2024 dated 18.04.2024, instituted under Sections 414/34 of the Indian Penal Code and Sections 30(a), 32(2), 41(1) of the Bihar Prohibition and Excise Amendment Act, 2022.

4. The allegation is of recovery of 34.560 litres of foreign liquor from Alto Car bearing registration no. BR 01 AT 6428.

5. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is further submitted that the nothing has been recovered from conscious possession of the petitioner. Recovery has been made from the Alto Car bearing registration no. BR 01 AT 6428. The said vehicle does not belong to the petitioners. Further submission is that the name of the petitioners has been disclosed by Pankaj Das, who was apprehended at the spot. Nothing has surfaced during investigation against the petitioners. Lastly, it is submitted that petitioner Md. Jubair @ Md. Jubair Alam has criminal antecedents and seven criminal cases are pending against him, whereas, petitioner Sonu Chaurasiya @ Sonu Kumar has clean antecedents.

6. Learned APP has opposed the prayer for bail.



7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.1 cum Additional District & Sessions Judge, Vaishali at Hajipur, in Baligaon PS Case No.36 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below, (ii) that one of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailors shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioners tamper with the evidence



or the witnesses, in that case, the prosecution will be at liberty to
move for cancellation of bail.

8. The applications stand allowed.

(Khatim Reza, J)

J. Alam/-

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