

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46352 of 2024

Arising Out of PS. Case No.-147 Year-2024 Thana- TARAIYA District- Saran

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1. Jugnu Miya, Son of Rustam Miya, R/O Vill.- Khawaspur, P.S.- Doriganj, Dist.- Saran at Chapra
 2. Altaf Hussain @ Altabh, Son of Murtaza Hussain, R/O Vill.- Mahuani, Jhaui Dhala, P.S.- Awtarnagar, Dist.- Saran at Chapra

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh, Advocate
For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 05-07-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. This is an application for regular bail on behalf of the petitioners for the offences alleged under Section 30(a) of the Bihar Prohibition and Excise Act, registered in connection with Taraiya P.S. Case No. 147 of 2024.

3. As per the prosecution case, both the petitioners were apprehended on the spot and from a tempo bearing registration No. BR31P6074, total 129.600 litres illicit foreign liquor was recovered.

4. The learned counsel for the petitioners has submitted that the petitioners are innocent and have committed



no offence. They have falsely been implicated in this case. They have no concern with the alleged recovered liquor and tempo. Nothing incriminating article has been recovered from their conscious possession. Both the seizure list witnesses are the police personnel which is a complete violation of Section 100 of Cr.P.C. The petitioner no.1 has one criminal antecedent and petitioner no.2 has got no criminal antecedent as stated in para-3 of the bail petition. The petitioners are in judicial custody since 07.04.2024.

5. Learned APP appearing for the State has opposed the prayer of Bail.

6. Considering the facts and circumstances of the case specially the clean antecedent of the petitioner no.2, let the petitioner no.2 namely, Altaf Hussain @ Altabh, be released on bail on furnishing the bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Exclusive Special Excise Court, Saran at Chapra in connection with Taraiya P.S. Case No. 147 of 2024, subject to the condition that petitioner shall cooperate in the disposal of trial and make himself available as and when required by the Court.

7. So far as petitioner no. 1 is concerned, he has a criminal antecedent, as such, he does not deserve the privilege for bail. Accordingly, the prayer for bail in respect of petitioner



No. 1 namely, Jugnu Miya is rejected.

8. However, petitioner no. 1 namely, Jugnu Miya, if
so advised, may renew his prayer for bail after six months.

(Nawneet Kumar Pandey, J)

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