

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67560 of 2024

Arising Out of PS. Case No.-128 Year-2024 Thana- CHAKAI District- Jamui

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1. Akhtar Ansari S/o- Bhado Mian R/o - Kaki Parsani, P.S - Palojori, District - Deoghar, Jharkhand
 2. Azharuddin Ansari Son of Hashim Ansari @ Hasim Ansari Village- Thari Ps- Chitra Dist- Deoghar Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-09-2024 Heard Mr. Pramod Kumar, learned counsel for the
petitioners and Mr. Khurshid Anwar, learned APP for the State.

2. Petitioners seek bail, who are in custody since 25.07.2024, in connection with Chakai P.S. Case No. 128 of 2024, F.I.R. dated 24.07.2024 registered for the offences punishable under Sections 274, 275 of the Bhartiya Nyay Sanhita, 2023 and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. Recovery is of 1196.625 litres of illegal *foreign* liquor.

4. Learned counsel for the petitioners submit that the petitioners have clean antecedents and they have been falsely



implicated in the present case. He further submits that from perusal of the F.I.R. it appears that nothing has been recovered from the conscious possession of the petitioner rather recovery has been made from the truck in question and 1196.625 litres of foreign liquor was recovered from the truck in question. He further submits that petitioner no. 1 is the driver and petitioner no. 2 is co-driver of the vehicle in question and it appears from the F.I.R. itself that the liquor was kept under stone chips and petitioners have no knowledge about the liquor and the petitioners are in custody since 25.07.2024.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case and the fact that the petitioners having clean antecedents and nothing has been recovered from the conscious possessions of the petitioners, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court 1st, Jamui in connection with Chakai P.S. Case No. 128 of 2024, subject to the following conditions :-



(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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