

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71926 of 2024

Arising Out of PS. Case No.-422 Year-2024 Thana- BEGUSARAI TOWN District- Begusarai

1.

Ansarul Ansari S/O Faruque Ansari R/O Masan Jor Kaki Parsani, P.S- Khaga Palo Jori, Distt.- Deoghar (Jharkhand).
2.

Jakir Ansari S/O Rahim Mian R/O Village- Pahrudih, P.S- Khaga Palo Jori, Distt.- Deoghar (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Sinha, Advocate
For the State	:	Mrs. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-10-2024 Heard the parties.

2. The petitioners are in judicial custody in connection with Begusarai Nagar P.S. Case No. 422 of 2024 for the offences punishable under Sections 30(a), 32(2), 30(3), 41(1), 41(2) and 36 of the Bihar Prohibition and Excise Act, lodged on 26.07.2024 by the informant, Rakesh Raushan.

3. As per the prosecution story, the police alleged that twelve wheeled truck was intercepted and between the cement bags altogether 1296 liters of foreign liquor recovered/seized and the driver/co-driver (petitioners herein) arrested. Accordingly, the F.I.R.

4. Learned counsel for the petitioners submit that they



being driver/co-driver were under false belief that they are carrying the cement bags, at no point of time they had inkling about the presence of foreign liquor, one of the petitioner (petitioner no.1) has criminal antecedent whereas petitioner no.2 do not have criminal antecedent. They are in custody since 27.07.2024 (paragraph no.13 of the petition). Further, the submission is that without accepting the allegation and/or the outcome of the present petition the petitioner no.1 on its own would like to contribute Rs.25,000/- and petitioner no.2, Rs.15,000/- totalling Rs.40,000/- to the District Legal Services Authority, Begusarai (exclusively for the purchase of journals/benches to be installed in the Civil Court, Begusarai premises) through Demand Draft issued by the local State Bank of India and the receipt has to be submitted before the Trial Court.

5. Learned APP for the State opposes the prayer submitting that there is recovery/seizure of the foreign liquor and petitioner no.1 has criminal antecedent.

6. Considering the aforesaid submissions as also the fact that though one of the petitioner has criminal antecedent, nothing has been recovered from their conscious possession, F.I.R. lodged, both of them will be facing the trial, it has been



undertaken by learned counsel for the petitioner that they will be diligently appearing in trial, this Court is inclined to extend them the privilege of bail subject to payment of Rs. 25,000/- by petitioner no.1 and Rs.15,000/- by petitioner no.2 totalling Rs.40,000/- as undertaken by the learned counsel for the petitioners to be paid by Demand Draft of local State Bank of India to the Trial Court.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Judge 1st Begusarai in connection with Begusarai Nagar P.S. Case No. 422 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial Court failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark his attendance;



(iv) the petitioners shall in now way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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