

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83564 of 2023

Arising Out of PS. Case No.-556 Year-2023 Thana- BEGUSARAI TOWN District- Begusarai

1. Hanif Ali @ Md. Hanif Ali Son of Akbar Ali R/O Village- Jhagarpar (JHAGRARPARA), Jhagra Pt-1 P.S.- Dhubri, Dist.- Dhubri Assam- 783325.
2. Md Aiyub Ali @ Aiyub @ Ayubali Son of Akbar Ali R/O Village- Jhagarpar (JHAGRARPARA), Jhagra Pt-1 P.S.- Dhubri, Dist.- Dhubri Assam- 783325.
3. Mofizur Rahman @ Mofizur Rehman Son Of Monser Ali @ Mansur Ali R/O Village- Jhagarpar (JHAGRARPARA), Jhagra Pt-1 P.S.- Dhubri, Dist.- Dhubri Assam- 783325.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam
For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-01-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seek bail in connection with Town P.S. Case No. 556/2023 registered for the offences punishable under Sections 30(a), 32(2) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, there was alleged recovery of total 126 liters foreign liquor from a truck in question and the petitioners were apprehended on the spot.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this



case. Nothing has been recovered from the conscious possession of the petitioners. The petitioners are languishing in custody since 27.08.2023 and bear no criminal antecedent. He further submits that the petitioners are not the owner of the alleged truck in question. He further submits that the petitioner no.1 is the driver and petitioner no.3 is the Khalasi of the said truck and have no knowledge regarding the alleged liquor that has been kept in the said vehicle and they have to follow the instruction of his owner to earn the livelihood. He further submits that the petitioner no.2 was merely a passenger of the said truck and has no knowledge regarding the alleged liquor that has been kept in the said truck. He further submits that the seizure list has not been prepared as per the law. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, period of custody and keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail



bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise-01, Begusarai in connection with Town P.S. Case No. 556/2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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