

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81847 of 2023

Arising Out of PS. Case No.-470 Year-2023 Thana- SHIVSAGAR District- Rohtas

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1. NASRUDDIN ANSARI @ NASIRUDDIN ANSARI SON OF KYAMUDDIN ANSARI R/O VILLAGE- MANSARA, P.S.- KUTUMBA, DIST.- AURANGABAD
 2. MD. ARIF RAZA SON OF MD. SHAMASHUDIN @ MD. SHAMASUDIN ANSARI R/O VILLAGE- BELOUDAR, P.S.- HARIHARGANJ, DIST.- PALAMU (JHARKHAND)

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukul Kumari
For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Shivsagar P.S. Case No. 470 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, petitioner no.1, Nasruddin Ansari, was found sitting in the Scorpio in question and petitioner no. 2, Md. Arif raza, was alleged to be driver of the said scorpio and both were apprehended on the spot alongwith others. It is further alleged that total 770.5 litre illicit liquor was recovered from a truck bearing registration No.



JH03W 7656 at the instance of petitioners and others.

4. Learned counsel for the petitioner submits that petitioners are in custody since 26.10.2023 and bear no criminal antecedent. He further submits that petitioner no. 2 was alleged to be driver of the Scorpio in question and petitioner no. 1 was found sitting in the said Scorpio but no recovery was made from the said scorpio. The recovery was made from the truck in question. Learned counsel orally submits that petitioners are not in any way connected with the said truck in question. He further submits that seizure list has not been prepared as per law. Nothing has been recovered from the conscious possession of the petitioners. He further submits that petitioners are quite innocent and have falsely been implicated in the case.

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

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the 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 bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned



Special Judge of Excise, Rohtas at Sasaram in connection with
Shivsagar P.S. Case No. 470 of 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)

vashudha/-

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