

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83347 of 2023

Arising Out of PS. Case No.-437 Year-2023 Thana- Excise P.S. District- Begusarai

1. MD. HASNAIN Son of Md. Tahir Hussain R/o vill - Paktaula Araria, ward no. 15, P.s. - Araria Town, Distt. - Araria.
2. Saroj Kumar Son of Rajendra Pandit R/o vill - Nandanpur, ward no. 2, P.S. - Bausi, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shakil Ahmad Khan

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 11-01-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seek bail in connection with Begusarai Excise P.S. Case No. 437/2023 registered for the offences punishable under Sections 30(a), 32(3) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, there was alleged recovery of 432 liters foreign liquor from Tata Yodhya Pick-up van 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 12.10.2023 and bear no criminal antecedent. He further submits that the petitioners are not the owner of the alleged vehicle in question. Petitioner no.1 was driver and petitioner no.2 was co-driver of the said vehicle and have no knowledge regarding the alleged liquor that has been kept in the said vehicle. The petitioners have to follow the instruction of his owner to earn the livelihood. He further submits that the petitioners were not concerned with the alleged seized liquor. He further submits that the seizure list has not been prepared as per the law.

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-2nd, Begusarai in connection with



Begusarai Excise P.S. Case No. 437/2023, 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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