

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.946 of 2024

Arising Out of PS. Case No.-140 Year-2023 Thana- Excise P.S. District- Katihar

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1. Nabi Hasan @ Navi Hasan @ Nabi Hussain Son Of Ali Hussain Resident Of Village - Sabdalpur, P.S. - Kasba, District - Purnea
 2. Jagdish Kumar Son Of Hira Lal Das Resident Of Village - Madhopara Das Toli, P.S. - Sahayak Thana Khaganchi, District - Purnea

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nadimul Hasan

For the Opposite Party/s : Mr.Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 16-01-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for bail in a case registered for the offence punishable under section 30(A) of the Bihar Prohibition and Excise Act.

3. Prosecution case relates to recovery of 52 litres IMFL from a Scorpio van which was being driven by the petitioner no. 1 and petitioner was also sitting inside the said vehicle. Both the petitioners were arrested on spot.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have got no criminal antecedent.



Petitioners have no concern with the alleged recovery of with the vehicle. Anish Ahmad is the registered owner of the said vehicle and hired the petitioners to take the alleged vehicle to Katihar. Because petitioner no. 1 was driving the said vehicle without knowing the consignment kept hidden in the said vehicle, he has been implicated in the present case. Provision of Section 100 CR.P.C. has not been followed by the police officials while preparing the seizure list. Petitioners are languishing in judicial custody since 19.09.2023.

5. Learned APP appearing for the State has opposed the prayer of Bail.

6. Petitioners are directed to deposit Rs. **5,000/- (Rs. Five thousand)** each in the concerned DLSA.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-I, Katihar in connection with Barsoi Excise P.S. Case No. 140 of 2023.

The bail bonds of the petitioners shall be accepted by



the learned court below on showing two separate receipts of deposit of Rs. **5,000/- (Five thousand only)** each by the petitioners in the account of concerned DLSA.

(Sunil Kumar Panwar, J)

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