

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9567 of 2017

Arising Out of PS.Case No. -397 Year- 2016 Thana -CHAPRA TOWN District- SARAN

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1. NIJAMUDIN KHAN S/o Bacha Babu Khan @ Kamaluddin Khan,
Resident of Mohalla- Nayee Bazar, P.S.- Bhagwan Bazar, District- Saran at
Chapra.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh

For the Opposite Party/s : Mr. Bisheshwar Ram

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 11-04-2017 Heard the parties.

This application has been filed in connection with Chapra
Town P.S.Case No.397 of 2016 for the offence under Sections
47(A) of Excise Act.

Allegation against the petitioner is that 105 ltrs. of liquor
have been recovered from the house of the co-accused persons and
at that time, the petitioner was also apprehended, however, it has
been submitted on behalf of the petitioner that the seizure list itself
shows that the recovery is from the house of co-accused and not
from the house of the petitioner. He was present there so he was
arrested. He is in custody since 30.08.2016. He has no criminal
antecedent.

Heard learned A.P.P. also.



Having heard both sides and in view of the fact that the recovery is from the house of the petitioner and he has clean antecedent as well as he has remained in custody for more than seven months, as such, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Saran at Chapra in connection with Town P.S. Case No.397 of 2016.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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