

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5347 of 2018

Arising Out of PS.Case No. -573 Year- 2017 Thana -MOTIHARI MUFASIL District-
EASTCHAMPARAN(MOTIHARI)

=====

Faruque Ansari S/o Wahab Ansari @ Vahab Miyan, R/o Ajgari Math,
Ajgari, P.S.- Banjariya, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anwar Karim

For the Opposite Party/s : Mr. Sri Murlidhar

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, in the present case, is seeking regular
bail in connection with Motihari Muffasil P.S. Case No.573 of
2017, registered for offences alleged under Sections 272, 273 and
414 of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per
the allegation made in the FIR the raiding party intercepted this
petitioner and seized the vehicle from which 115 pieces of Nepali



Soufi each containing 300 ml equal to 34.500 liters country made liquor were recovered and on demand no paper regarding liquor or motorcycle was produced. Petitioner is said to be one of the conspirators. Learned counsel submits that in fact the seizure itself is not in accordance with the provisions of Section 100 Cr.P.C., no recovery from the conscious possession of this petitioner rather recovery was from one of the persons riding the motorcycle. Learned counsel further submits that the petitioner has no criminal antecedent as stated in paragraph 3 of the application.

Learned counsel for the State is present.

Considering the facts and circumstances particularly that the petitioner has no criminal antecedent, let the petitioner, above named, be enlarged on bail on his furnishing bail bond of Rs.15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge of Excise, Motihari in connection with Motihari Muffasil P.S. Case No. 573 of 2017, subject to the conditions U/S 437(3) Cr.P.C. and subject to the further condition that in case the petitioner is found involved in the similar kind of offence in future, the investigating officer shall take steps for cancellation of bail of the petitioner. The petitioner shall cooperate in course of trial by putting appearance before the court below and two consecutive defaults in putting



appearance before the court below without any plausible reason
shall lead to cancellation of his bail.

(Rajeev Ranjan Prasad, J)

Arvind/-

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