

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62829 of 2018

Arising Out of PS. Case No.-303 Year-2018 Thana- MOTIHARI TOWN District- East
Champaran

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Shami Akhtar, son of late Tahid Mian, resident of mohalla-Kolhuarawa, ward
no.1, Kuwari Chauk, P.S.-Town, District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 08-10-2018 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case registered for
offences under Sections 30(a), 36, 41(1) of the Bihar Prohibition
and Excise Act.

It is contended that, as per allegation, 210 litres of
Nepali Saufi liquor was recovered from the car which was being
boarded by two persons and on seeing the police party they tried
to escape but one of them was apprehended by the police on
chase and disclosed his name as petitioner and the other
succeeded in fleeing away. It is contended that the petitioner has
no concern with the alleged illicit liquor. It is further contended
that nothing has been recovered from the conscious possession
of the petitioner. It is contended that the petitioner has been



made accused in one more case, i.e. Motihari Town P.S. Case No.302 of 2018 registered for the offences under Section 25 (1-b) a, 26 and 35 of the Arms Act but that is of Arms Act and not Excise Act which has arisen out of the same occurrence. It is urged that the petitioner is in custody since 28.05.2018.

Considering the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on his furnishing bail bonds of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, East Champaran, Motihari in Motihari Town P.S. Case No. 303 of 2018 with a condition that if the petitioner, after his release in this case, is again found to be involved in criminal case of similar nature, the court concerned would be at liberty to take steps for cancellation of his bail bonds.

(Dr. Ravi Ranjan, J)

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