

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14175 of 2018

Arising Out of PS.Case No. -31 Year- 2018 Thana -ARARIA District- ARRARIA

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1. Niyaz Sagar, S/o Md. Ziaul Haque, resident of Village- Sisouna, Ward
No. 14, P.S. Jokihat, District Araria.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Smt. Anusuiya Jaiswal

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-03-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
23.01.2018 in connection with Araria P.S. Case No. 31/18/ Spl.
Case No. 84/18 for offences punishable under Sections 30(a)/
36/38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that on secret information that two vehicles are
carrying huge quantity of illicit liquor, the police reached there
and apprehended two persons from another car from which huge
quantity of liquor was recovered. From the vehicle in which the
petitioner and one Sushil Kumar were sitting 68 litres of foreign
liquor was recovered, who disclosed that they were carrying the



consignment for one Rohit Singh of Saharsa district. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and is not engaged in sale and purchase of illicit liquor. Petitioner undertakes to cooperate in the investigation, provide all necessary materials and also undertakes not to tamper with the evidence and prosecution witnesses during investigation.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Addl. Sessions Judge cum Special Judge, Araria, in connection with Araria P.S. Case No. 31/18/ Spl. Case No. 84/18, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.



(2) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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