

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16312 of 2019

Arising Out of PS. Case No.-202 Year-2018 Thana- KALUAHI District- Madhubani

MD. SHAKEEL @ MD. SHAKIL, Male, aged about 24 years, Son of Md. Murtuza, Resident of Village- Bhuara, P.S.- Town, District- Madhubani
... Petitioner

Versus

THE STATE OF BIHAR
... Opposite Party

Appearance :

For the Petitioner : Mr. Abhay Kumar Thakur, Adv.
For the Opposite Party : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 26-03-2019 Heard the learned counsel for the petitioner and the learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 31.12.2018 in connection with Kaluahi P.S. Case No. 202 of 2018 for the offences alleged under Sections 272, 273 and 34 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police personnel, is that during the course of vehicle checking they intercepted a tempo and on seeing the police, the persons sitting in the tempo tried to flee away, but, two persons, co-accused, Gautam Kumar, and the petitioner, were apprehended. On search, from the tempo 150 liters of Nepali Saufi wine was recovered. 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 has been falsely implicated in the aforesaid case. He submits that nothing has been recovered from his conscious possession and



he undertakes to cooperate in the investigation and not to tamper with the prosecution evidence.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations, the period of custody and the materials on record, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Kaluahi P.S. Case No. 202 of 2018 to the satisfaction of the learned Additional District Judge II-cum-Special Judge, Excise Act, Madhubani, subject to the following conditions :

(i) 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.

(ii) 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)

Shamshad/-

U		T	
---	--	---	--

