

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21217 of 2019

Arising Out of PS. Case No.-18 Year-2018 Thana- BUXAR INDUSTRIAL District- Buxar

FIROZ KHAN @ MD. FIROZ KHAN, aged about 34 years (Male), Son of Teju Khan @ Teji Khan Resident of Anda Dukan Wala, Purana Thana Road, Dumraon, P.S.- Dumraon, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 04-04-2019 Heard learned counsel for petitioner and learned counsel for the State.

Petitioner, who is in custody, seeks bail registered for the offences punishable under Sections 272, 273, 279, 337, 338 of the Indian Penal code and Section 30(a), 41(1) of the Bihar Prohibition and Excise Act, 2016.

Allegation is recovery of 119.680 liters of foreign liquor from the Wagon R car which was driven by Rishi Kumar and was apprehended from the vehicle and he disclosed the name of petitioner as owner of the vehicle.

It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been falsely implicated in this case. Petitioner is not owner of the



vehicle and has no concerned with the said vehicle subsequently it was found that owner of the vehicle is G. Mahboob of Kolkata. Petitioner is not accused in any of the excise matter. Similarly placed co-accused has been granted bail by co-ordinate bench of this court vide order dated 26.04.2018 passed in Cr. Misc. No. 19125 of 2018. Petitioner is in custody since 08.02.2019.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Buxar (I) P.S. Case No. 18 of 2018, corresponding to Excise Case No. 177 of 2018, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be represented on each and every date fixed by the court.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the



petitioner.

(4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bonds.

(S. Kumar, J)

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