

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24007 of 2019

Arising Out of PS. Case No.-603 Year-2017 Thana- KISHANGANJ District- Kishanganj

MD. MUSTAQUE @ MUSTAQUE Son of Late Pir Ali Resident of
Fakirdangi, P.S.- Islampur, District- Uttar Dinajpur (West Bengal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh

For the Opposite Party/s : Mr. Yogendra Kumar Singh

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-04-2019 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
01.03.2019 in connection with Special Case No. 475 of 2017
arising out of Kishanganj P.S. Case No. 603 of 2017 for
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case as lodged by the police
personnel is that on secret information that huge quantity of
illicit liquor is being carried in pick-up van, formed a raid party
and intercepted the said pick-up van which was being driven by
co-accused Mithun Mahto. On search from the pick-up van 553
litres of Indian made foreign liquor was recovered.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal antecedent,



because he is the owner of the said pick-up van he has been made accused in the present case. He submits that the petitioner was not apprehended by the police and the driver who had been apprehended with the illicit liquor has already been granted the privilege of bail by a co-ordinate Bench of this court in Cr. Misc. No. 1457 of 2018 dated 23.01.2018.

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

Considering the nature of allegations and that petitioner does not bear any criminal antecedent as stated in para-3 of the present application, let the 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 the learned Special Judge (Excise) Kishanganj, in connection with Special Case No. 475 of 2017 arising out of P.S. Case No. 603 of 2017, subject to the condition one of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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