

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26191 of 2019**

Arising Out of PS. Case No.-406 Year-2018 Thana- BAHADURPUR District- Darbhanga

MD. ZAKIR, aged 24 years, Male, Son of Md. Mangal Resident of Village-
Khaja Sarai, P.S-Laheriasarai, District-Darbhangha ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Virendra Kumar, Adv.

For the Opposite Party : Mr. Indu Kumari Srivastava, APP

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER**

2 10-05-2019 Heard the learned counsel for the petitioner and the

learned Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since
18.02.2019 in connection with Bahadurpur P.S. Case No. 406 of
2018 for the offences alleged under Sections 30(a) and 38(2) of
the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that on secret information that one Md. Chhotu and
the petitioner have concealed liquor in a house of Housing
Board Colony, the police conducted a raid and seized 262.500
liters of illicit liquor and 3-4 persons were found fleeing away.
Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has been falsely implicated in
the aforesaid case. He submits that nothing has been recovered



from his conscious possession. The house where the recovery was made did not belong to him and just because the petitioner bears a criminal antecedent he has been made accused in the present case due to high handedness of police. It is, further, submitted that charge sheet has already been submitted and the petitioner is languishing in judicial custody since nearly three months.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner is a habitual offender and three more cases of similar nature are pending against him.

Considering the nature of allegations and that the charge sheet has already been submitted, 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 Bahadurpur P.S. Case No. 406 of 2018 to the satisfaction of the learned Additional District Judge V-cum-Special Judge, Excise Act, Darbhanga, or the successor Court, 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)

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