

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37662 of 2019

Arising Out of PS. Case No.-191 Year-2018 Thana- KUCHAIKOTE District- Gopalganj

NAEM KHAN Son of Sher Khan Resident of Village- Samaypur Badli, P.S.-
Samaypur Badli, District- North West, New Delhi- 42

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar

For the Opposite Party/s : Mr.Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 24-07-2019 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in Kuchaikote P.S. Case No.
191/2018, instituted under Sections 30(a)(b)(c), 38 and 41(a)(b)
of the Bihar Prohibition and Excise Act, 2016.

Earlier prayer for bail of petitioner was rejected by
this Court vide order dated 25.10.2018 passed in Cr. Misc. No.
64118/2018 with liberty to renew prayer for bail after six
months if no substantive progress is made in trial.

It is alleged in the written report that a truck was
intercepted and on search made by the informant, a box was
found constructed just beside the driver cabin and 1900 litres
and 800 ml of foreign liquor was found stored in the aforesaid
cabin. Petitioner is said to be driver of aforesaid truck.



Report from the court below about stage of trial has been received, from which it appears that after framing of charge not a single witness has been examined in this case till date.

Petitioner is in custody since 22.06.2018.

Considering the aforesaid facts and circumstances, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, be released 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 2nd A.D.J.-cum-Special Judge, Excise, Gopalganj, in connection with Kuchaikote P.S. Case No. 191/2018, subject to the conditions that

- (I) both the bailors shall be the close relative of the petitioner.
- (II) Petitioner shall be present on each and every date fixed by the court and absence on two consecutive dates without valid reason will result in cancellation of bail bond of the petitioner and
- (III) if petitioner tamper with the evidence



in the case, prosecution will be at liberty to move for cancellation of bail bond of the petitioner.

(Sanjay Priya, J)

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