

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72858 of 2019

Arising Out of PS. Case No.-119 Year-2019 Thana- FULKAHA District- Araria

MD. NIZAM @ NIZAM Son of Md. Basir Resident of Village-Balua Bazar,
P.S.-Balua Bazar, District-Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raushan

For the Opposite Party/s : Mr.Amarendra Prasad

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered under Sections 30(a) and 45 of the Excise Act.

621 litres of Nepali wine is said to have been
recovered from the Xylo car and the petitioner and one other
accused managed to escape. Petitioner is said to be driver of
the said vehicle.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from the
conscious physical possession of the petitioner. He has no
concern either with the seized liquor or vehicle in question. He
does not happen to be driver of the said vehicle. Identity and



genuineness of the source of information has not been adumbrated in the written report. No offence under Excise Act is made out against the petitioner. Regarding said occurrence, one more F.I.R. vide Fulkaha P.S. Case No. 120 of 2019 has been lodged against the petitioner and barring aforesaid case petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Dist. and Sessions Judge-II cum Special Judge, Excise, Araria in connection with Fulkaha P.S. Case No. 119 of 2019, Special Case No. 982 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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