

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26061 of 2020

Arising Out of PS. Case No.-31 Year-2020 Thana- MINAPUR District- Muzaffarpur

MD. NIZAM ANSARI Son of Md Isak Ansari Resident of Village- Chak
Jamal, P.S.- Minapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 21-10-2020

The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner apprehends his arrest in a case registered under Sections 272, 273 and 34 of the Indian Penal Code and 30(A) and 41(1) of the Bihar Prohibition and Excise Act, 2018.

Allegation is recovery of 6.750 litres of illicit liquor from a car of the petitioner.

It has been submitted on behalf of petitioner that he is innocent and has been falsely implicated in this case. Petitioner is owner of the said vehicle and he had given the said vehicle to one Md. Alam for the purpose of attending marriage ceremony



and he is not aware that the liquor were being carried on his vehicle. Similarly placed co-accused, namely, Ramesh Kumar has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 07.10.2020 passed in Cr. Misc. No. 22616 of 2020. It has been further submitted that neither anything was recovered from the possession of petitioner nor he was apprehended from the spot, as such, no offence under Excise Act is made out against him. Petitioner has no criminal antecedent.

Considering the facts and circumstances of the case, prayer of anticipatory bail is allowed and petitioner named above in the event of arrest or surrender before the court below within four weeks from today, Petitioner is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur, in connection with Minapur P.S. Case No. 31 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with following 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 bond.

(S. Kumar, J)

veena/rajiv-

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