

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28878 of 2021

Arising Out of PS. Case No.-8 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

MD. KASHIM KHAN Son of Hanif Khan Resident of Village - Jora Girja Ful
Bagan, P.S.- Intali, Dist.- 24 Pargana (West Bangal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar
For the Opposite Party/s : Mr.Parmeshwar Mehta,APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-08-2021 This matter is taken up for consideration through
Video Conferencing.

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

The petitioner seeks bail in GO Case No. 08 of 2021,
registered for the offence punishable punishable under Section
30(a), 56(b) of the Bihar Prohibition and Excise Act, 2016.

176.4 litres of foreign liquor has been recovered from
the vehicle of which this petitioner was driver.

It is submitted that no recovery has been made from
conscious possession of this petitioner. Petitioner was simply
driving the vehicle and was not aware about the nature of
consignment and has got no concern with the seized liquor.



Petitioner is in custody since 08.01.2021 having no criminal antecedent, as stated in para 3 of the petition.

Considering the period of custody coupled with the fact that petitioner bears clean antecedent, the petitioner above-named, is directed to 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 Additional Sessions Judge II-cum-Special Judge, Nawada in connection with GO Case No. 08 of 2021, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

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