

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34878 of 2021

Arising Out of PS. Case No.-260 Year-2020 Thana- KAMTAUL District- Darbhanga

Neyaz Mohammad Son Of Gulsher Mohammad Resident Of Village -
Pithalbadi Kalan, P.S.- Chhoti Sadri, Distt.- Pratapgharh, Rajashtan.

... .. Petitioner

Versus

The State Of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr.Virendra Kumar, Advocate

For the Opposite Party : Mr. PK Pandey, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 07-09-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 30a of the Bihar Prohibition and Excise Act and sections 272/273/120B of the Indian Penal Code.

As per the prosecution case, on a secret information that huge quantity of foreign liquor is being unloaded from a truck, a raid was conducted and this petitioner along with other accused persons were apprehended on the spot and on search, 1530 litres of foreign liquor has been recovered from the said truck.

It is submitted on behalf of the petitioner that nothing has been recovered from the possession of the petitioner. It is further submitted that petitioner is simply a labour and he was not aware about the nature of consignment. Petitioner has got no criminal antecedent as stated in paragraph No. 3 of the petition and he is in custody since 01.11.2020. Similarly situated co-



accused have already been allowed bail by this Court vide order passed in Cr.Misc.No. 4182/2021 and 7776/2021.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the rival submissions of the parties, let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned 2nd Additional Sessions Judge cum Special Judge, Excise, Darbhanga, in connection with Kamtaul P.S. Case No. 260/2020, subject to following conditions:

(1) 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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