

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38353 of 2021

Arising Out of PS. Case No.-152 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Md. Faiyaj Ansari S/O Md. Iliyas Ansari @ Iliyas R/O Village-Banchauri,
P.S-Dumra, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in C2 Case No. 152 of 2021, registered for the offence under Section 30(a) of Bihar Prohibition and Excise Act.

225 liters of Nepali wine and beer has been recovered from the roof of a tempo and this petitioner has been made accused on the basis of confessional statement of co-accused, who was apprehended on the spot.

It is submitted on behalf of petitioner that nothing has been recovered from the conscious possession of the petitioner. Petitioner is neither owner nor driver of the said tempo. Petitioner has got clean antecedent and is in custody since 22.03.2021. Investigation is complete.



Learned A.P.P. for the State has opposed the bail petition.

Considering the nature of allegation, period of custody and clean antecedent of the petitioner, the bail petition of petitioner is allowed. Let the above named petitioner 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 learned Additional District and Sessions Judge 2nd cum Special Judge (Excise), Sitamarhi in connection with C2 Case No. 152 of 2021, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his 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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