

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36093 of 2020

Arising Out of PS. Case No.-158 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

=====

NAZIR KHAN @ MD. NAZIR KHAN SON OF LATE ATIM KHAN @
MD. ATIM RESIDENT OF VILLAGE - PURAN CHHAPRA, POLICE
STATION - CHAKIAN, DISTRICT - MOTIHARI (EAST CHAMPARAN)

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Ram Pravesh Nath Tiwari, Advocate
For the Opposite Party/s : Mr. Md. Sufian, APP

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 27-01-2021 Heard learned Counsel for the petitioner and the learned
Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Excise Case No. 158 of 2020 registered under Section 30(a) of Bihar Prohibition and Excise Act, 2016 .

The Scarpio vehicle in question has been found to be laden with 302.80 liters of illicit liquor. The petitioner was driving the vehicle.

It is submitted by learned Counsel for the petitioner that it is a case of false implication. The seizure is not in compliance with Section 100 Cr.P.C. There is no forensic opinion that the recovered material is liquor. The petitioner has no criminal antecedent. He is in custody since 9.7.2020.

Learned APP has opposed the prayer for bail.



Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional District & Sessions Judge – II, Gopalganj in Excise Case No. 158 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

SNkumar/-

U		T	
---	--	---	--

