

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11430 of 2022

Arising Out of PS. Case No.-175 Year-2021 Thana- KURSAKANTA District- Araria

Bakhtiyar, Son of Late Murtuza @ Martoza @ Md. Murtoja, Resident of
Village - Garaiya, Ward No.02, P.S.- Kursakanta (Kuwari O.P.), Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mrs. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Kursakanta (Kuwari OP) P.S. Case No. 175 of 2021 registered for the alleged offences under Section 30 (a) of the Bihar Prohibition And Excise Act, 2016.

Allegedly, the petitioner was apprehended with 72 litres of Nepali illicit liquor carrying the same on a motorcycle along with the co-accused Altaf.

The learned counsel for the petitioner submits that nothing incriminating has been recovered from the



person/possession of this petitioner. Two persons were apprehended riding on a motorcycle, but it is not clear from whose possession this liquor has been seized. The petitioner is in custody since 03.09.2021. Regarding the antecedent, learned counsel for the petitioner submits that he has been made an accused in Kursakanta (Kuwari OP) P.S. Case No.170 of 2021 under Section 30 (a) of Bihar Prohibition Act, 2016.

Learned APP opposes the prayer for bail made on behalf of the petitioner.

Having regard to the submissions made hereinabove and considering the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-II, Araria, in connection with Kursakanta (Kuwari O.P.) P.S. Case No. 175 of 2021, subject to the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and



every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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