

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23039 of 2022

Arising Out of PS. Case No.-51 Year-2022 Thana- NAVINAGAR District- Aurangabad

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Hakim Ansari Son Of Nejam Ansari @ Nizamuddin Ansari Resident Of
Village - Mahurav, P.S.- Naudiha Bazar, Distt.- Palamu (Jharkhand).

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramendra Kumar Singh

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-07-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with
Nabinagard P.S. Case No. 51 of 2022 / G.R. No. 175 of 2021
registered for the offences punishable under Section 30(a) of
the Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery
of 1800 litre country made wine from the pick-up van in
question and petitioner was apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 20.02.2022 and bears criminal
antecedent of one case of similar nature in which he has been



granted bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that petitioner is neither the owner of the vehicle in question nor the contraband goods recovered belongs to him. Seizure list has not been made as per law.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-1st, Aurangabad in connection with Nabinagard P.S. Case No. 51 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will



remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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