

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25911 of 2022

Arising Out of PS. Case No.-130 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Md. Aslam Ansari S/o Md. Ansari R/o village- Tajnagar, P.S.- Fulbarisharif,
District- Patna (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Chandra Bhaskar, Advocate.
For the Opposite Party/s : Ms. Shaheen Begum, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-07-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Santosh Chandra Bhaskar, learned counsel

for the petitioner as well as learned Additional Public Prosecutor

for the State.

The application for grant of bail to the petitioner,

above named, who has been made accused and put behind the

bar in connection with Excise Case No. 130 of 2022 registered

for the offences punishable under Sections 30 (a) and 56 (b) of

the Bihar Prohibition and Excise (Amendment) Act.

As per the prosecution case, it is alleged that in

course of vehicle checking, the police intercepted a Tata Safari



Vehicle and on search being made altogether 93.375 litres Indian made foreign liquor was recovered and the driver of the said vehicle was apprehended at the spot and he disclosed the name of the petitioner along with one another accused person.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his conscious or construction possession. It is further submitted that this petitioner is a man of fair antecedent and is in custody since 05.03.2022, though the investigation of the crime is already completed.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his conscious or constructive possession and moreover, he is in custody since 05.03.2022, having fair antecedent, though after conclusion of the investigation, the charge sheet has been submitted and there is no likelihood of commencement of trial in near future, let the petitioner, above named, be released on bail on furnishing bail



bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court No. 3, Gaya, District Gaya in connection with Excise Case No. 130 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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