

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32319 of 2022

Arising Out of PS. Case No.-88 Year-2022 Thana- MOHAMMADPUR District- Gopalganj

Md. Nazim, Son of Rafiq Mian @ Rafik Miya, R/O Village- Pandey Tola,
Bathna, P.S.- Kesaria, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Subhash Kumar, learned counsel for the petitioner and learned APP for the State through video conference.

The petitioner seeks regular bail, who is in custody in connection with Mahammadpur P.S. Case No. 88 of 2022 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, it is alleged that in course of vehicle checking, the police intercepted a Santro Car bearing registration no. RJ04CA 0237 and on search 104.64 litres of Indian made foreign liquor was recovered. It is further alleged



that the petitioner was apprehended from the car, who is said to be the driver of the vehicle.

Learned counsel appearing on behalf of the petitioner submits that the petitioner happens to be the driver of the car was not even aware as to what was being carried by the owner of the car. It is next submitted that the petitioner has neither any concern with the alleged vehicle, in question, nor with the recovered illicit liquor, which was kept in the dickey of the car by its owner. It is lastly submitted that the petitioner, having no criminal antecedent, is in custody since 28.04.2022 and moreover the investigation of the crime is already completed and charge-sheet has been submitted.

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

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner happens to be the driver of the car having not even aware as to what was being carried by the owner of the car and moreover this petitioner is in custody since 28.04.2022, having fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned



Additional Sessions Judge-II-cum-Special Judge, Excise Court
No.-I, Gopalganj in connection with Mohammadpur P.S. Case
No. 88 of 2022, subject to the condition that one of the bailors
will be the close relatives of the petitioner with further
conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the
trial.

(ii) He will remain physically 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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