

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45153 of 2021

Arising Out of PS. Case No.-25 Year-2021 Thana- AMBA District- Aurangabad

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Azaz Khan S/o Late Wasidad Khan R/o Mohalla- Hariharganj, P.S.-
Hariharganj, District- Palamu (Jharkhand)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Pramendra Kumar Singh, Advocate

For the Opposite Party/s : Miss Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-01-2022 Heard the parties through the video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and the learned APP for the State.

Petitioner who is in custody since 8.3.2021 seeks
regular bail in connection with Amba P.S. Case No. 25 of 2021
registered for the offence punishable under section 30(a) of
Bihar Prohibition and Excise (Amendment) Act, 2018.

Prosecution case in brief is that altogether 442.50
liters of country made liquor was recovered from one Maruti
Desire Car bearing registration no. WBU6B-2712 at Amba
Chowk on NH139.

Learned counsel for the petitioner submits that the
petitioner was apprehended on the spot and he is driver of the



aforesaid vehicle and he was simply to deliver certain goods kept in the car from Jharkhand to Aurangabad. The petitioner has clean antecedent and he is in custody since 8.3.2021.

The learned counsel appearing on behalf of the petitioner has opposed the prayer for grant of bail to the petitioner.

Having considered the submission made by the parties and the material on record, the court below is directed to verify the owner of the vehicle bearing registration no. WBU6B-2712 and if it is found that the said vehicle is not registered in the name of the petitioner, the court below shall release the petitioner named above on bail on furnishing bail bond of Rs. 100,000/- (One lakh) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Excise, Aurangabad, in connection with Amba P.S. Case No. 25 of 2021 subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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