

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58388 of 2021

Arising Out of PS. Case No.-313 Year-2021 Thana- DIGHA District- Patna

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Md Gulam Sarwar Son Of Md. Aziz Miyan @ Aziz Miyan Resident of
Village- Panhar, P.S.- Khodaganj, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satish Chandra

For the Opposite Party/s : Mr.Md. Shakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-04-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Special Case no. 3569 of 2021 arising out of Digha
P.S.Case No. 313 of 2021 for the offences punishable under
Sections 30(a) of the Bihar Prohibition & Excise Act 2016.

As per the prosecution case, it is alleged that while
the police party was on patrolling duty one Honda Creaa Car
bearing registration no. BR-01FC-3233 was intercepted by the
police. It is alleged that 188.46 liters of foreign made liquor kept
in cartoon has been recovered.

Learned counsel for the petitioner submits that



Petitioner being the driver of car had no knowledge about the foreign liquor which was kept in the car. It is next submitted that petitioner having clean antecedent and he is in custody since 13.06.2021. It is next submitted that co-accused namely, Md. Shamim, almost similar allegation, has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 72152 of 2021 vide order dated 09.02.2022. Copy of the order has been kept on record.

The learned A.P.P opposed the prayer for bail of the petitioner .

Having heard the rival contentions of the parties and taking into consideration the fact that, recovery has been made from a car and petitioner was driver of the said car, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise , Patna in connection with Special Case No. 3569 of 2021 arising out of Digha P.S.Case No. 313 of 2021, 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 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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