

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49951 of 2022

Arising Out of PS. Case No.-10 Year-2021 Thana- ASANWA District- Siwan

NASRUDDIN ANSARI S/o Mallu Mian Resident of Village- Mania
Ramnagar, P.O.- Mania, P.S.- Asanwa, District- Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Shahi

For the Opposite Party/s : Mr.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-09-2022 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.

The petitioner seeks bail in connection with
Asanwa P.S. Case No. 10 of 2021 registered for the offences
punishable under Sections 272, 273, 308, 420, 120(B) of the
Indian Penal Code read with Sections 25(1-b)a, 35 of the Arms
Act and under Section 30(A)/41(1) of the Bihar Prohibition and
Excise Act.

As per prosecution case, there is alleged recovery
of 334.14 liters illicit liquor from the house of the petitioner. So
far as recovery of arms has concerned, same has been recovered
from the co-accused Durgesh Kumar.



Learned counsel for the petitioner submits that petitioner is in custody since 08.08.2022. Petitioner bears no criminal antecedent. Learned counsel further submits that the petitioner is innocent and has falsely been implicated in this case on the basis of suspicion. The recovery has been made from the joint house of the petitioner. Nothing has been recovered from the conscious possession or personal possession of the petitioner. Petitioner is not apprehended on spot.

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

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot, keeping in view clean antecedent of the petitioner 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 Additional District and Sessions Judge-2-cum-Special Judge Excise, Siwan in connection with Asanwa P.S. Case No. 10 of 2021, 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)

amitkr/-

U		T	
---	--	---	--

