

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61520 of 2021

Arising Out of PS. Case No.-405 Year-2021 Thana- DIGHA District- Patna

MD. NAUSHAD KHAN Son of Late Md. Ayub Khan Resident of Muhalla -
Nasariganj, Pathantoli, P.S.- Danapur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nitya Nand Neeraj, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 31-01-2022 Heard the parties through video conferencing.

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

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 25.07.2021, seeks
regular bail in connection with Digha P.S. Case No. 405 of 2021
registered for offences punishable under Sections 30(a), 37(1),
37(2) of the Bihar Prohibition and Excise Act, 2018.

Prosecution case, in brief, is that near Nach Bagicha
Musahari, under Digha Police Station, a huge quantity of liquor
was seized and petitioner along with other co-accused persons
was found to be consuming liquor and breath analyzer report
also confirms the fact that petitioner was consuming liquor.



Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and nothing has been recovered from his possession. Only allegation against the petitioner is that he had consumed liquor which has been confirmed by the breath analyzer report. He further submits that taking into consideration the period of custody of the petitioner who is languishing in custody since 25.07.2021, the petitioner be released on bail.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submits that the involvement of the petitioner in manufacturing of liquor cannot be ruled out as he was found at the place from where the alleged seizure has taken place.

Considering the above mentioned facts and circumstances of the case, period of custody of the petitioner, nothing specific has been alleged against the petitioner, huge quantity of liquor was recovered from the possession of all the accused persons named in the F.I.R. and taking into consideration the general and omnibus allegation against the petitioner, the petitioner, above named, be enlarged on bail upon furnishing bail bond of Rs. 100,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of



learned Special Judge, Excise, Patna in connection with Digha
P.S. Case No. 405 of 2021 subject to the following conditions:

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

(ii) Petitioner shall co-operate in the trial and shall be
properly represented on each and every date fixed by the Court.

(iii) 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.

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

(Purnendu Singh, J)

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