

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53168 of 2022

Arising Out of PS. Case No.-76 Year-2019 Thana- MADHWAPUR District- Madhubani

Mojahid Ansari, Son Of Md. Gaffur, R/O Village- Semhali, P.S.- Khirhar,
District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Vivek Kumar, Advocate
For the Opposite Party/s :		Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Madhwapur P.S. Case No. 76 of 2019
registered for the alleged offences under Sections 272 and 273
of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

As per prosecution case, two co-accused persons
were apprehended while riding a motorcycle and from a sack
which they were carrying, 63 litres of Nepali country made
liquor was recovered. The petitioner is stated to be the owner of



the motorcycle which was seized.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has no concern with the transportation of illicit liquor on his motorcycle since the motorcycle was stolen by some miscreants in the night before the occurrence. The petitioner is in custody since 27.07.2022 and the charge-sheet has been submitted in this case. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IIInd-cum-Special Judge, Excise, Madhubani



in connection with Madhwapur P.S. Case No. 76 of 2019,
subject to the conditions mentioned in Section 437(3) of the
Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of
the petitioner.

(ii) The petitioner will remain present on each and
every date fixed by the court below.

(iii) In case of absence on three consecutive dates
or in violation of the terms of the bail, the bail
bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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