

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 66392 of 2021**

Arising Out of PS. Case No.-475 Year-2021 Thana- BAHADURPUR District- Darbhanga

MD HAMID Son of Nazir @ Md. Nazir @ Md. Nazir Hussain Resident of
Village - Bheluchak, P.S.- Sadar, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Iqbal Asif Niazi, Advocate

For the Opposite Party/s : Dr Kumar Uday Pratap, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 01-06-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar.

The petitioner seeks bail in Bahadurpur Police Station
(for brevity, *PS*) Case No 475 of 2021 registered for the offence
punishable under Section 30 (a) of Bihar Prohibition and Excise
Act, 2016.

60.300 liters Nepali country made liquor has allegedly
been recovered from the motorcycle on which the petitioner and
co-accused Md Sakir were travelling.

Learned counsel for the petitioner submits that it is a
case of false implication. The petitioner has no concern with the
motorcycle or the recovered liquor. He further submits that the



petitioner is in custody since 13.09.2021, having no criminal antecedent and that investigation is complete. The said co-accused Md Sakir has already been allowed bail by this Court in Cr Misc No 65116 of 2021

The learned APP has opposed the prayer for bail.

Considering the rival submissions, fair antecedent claim based on parity and viewed together with the quantum of recovery, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge (Excise), Darbhanga in Bahadurpur PS Case No 475 of 2021 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his



bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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