

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66945 of 2021**

Arising Out of PS. Case No.-238 Year-2021 Thana- LALGANJ District- Vaishali

NASHIM @ MD. NASIM, Son of Md. Asharaf, Resident of Village- Imadpur
Sultan, P.S.- Ganga Bridge in the District of Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar, Advocate

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 01-06-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Lalganj
P.S. Case No.238 of 2021 registered for the offence punishable
under Section 414 of the I.P.C. and Section 30(a) of the Bihar
Prohibition and Excise Act.

360 litres spirit has been recovered from a vehicle
from where the petitioner has also been arrested.

Counsel for the petitioner submits having no
antecedents, petitioner has been arrested because he was a
professional Cleaner of the vehicle in question. The petitioner
was not having any knowledge about the spirit being loaded in
the vehicle in question. He is in custody since 06.07.2021.

Learned APP for the State has opposed the prayer



for bail.

Considering the rival submissions as also the fair antecedents, period of custody and the submission that the petitioner was a Cleaner of the vehicle, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II cum Excise Court, Vaishali at Hajipur, in connection with Lalganj P.S. Case No.238 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.

This Court would expect that the petitioner's counsel



would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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