

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58507 of 2022

Arising Out of PS. Case No.-511 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Jabir Ansari, Son of Md. Musafir Mian @ Musafir Mian, Resident of Salwe,
P.S.- Balumath, District- Latehar(Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Archana Sinha @ Archana Shahi, Advocate
For the Opposite Party/s : Mr.Rajeev Nayan App,231

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

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 Excise P.S. Case No. 511 of 2022 registered for
the alleged offences under Sections 30(a) and 56(b) of the Bihar
Prohibition and Excise Act.

As per prosecution case, during regular checking of
vehicle, a driver of Scorpio vehicle tried to flee away but he was
apprehended and on search of the said vehicle recovery of 54
litres of India made foreign liquor and 252 litres of beer were
made.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner and he has no concern with the recovered illicit liquor. The petitioner is neither the owner nor the driver of the vehicle in question. Petitioner has never indulged in illicit trade of liquor. The petitioner is in custody since 05.08.2022 and the prosecution report 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 clean antecedent of the petitioner along with his period of custody and submission of prosecution report, 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 Exclusive Excise Court No.-3, Gaya in connection with Excise P.S. Case No. 511 of 2022, 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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