

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2364 of 2023

Arising Out of PS. Case No.-214 Year-2022 Thana- SASARAM RAIL P.S. District- Gaya

BANTY MIAN @ SABIR ANSARI Son of Late Kavi Mian @ Lallan
Resident of Village- Mathuri Tola, Ward No.-03, Dalmian Nagar, P.S.- Dehri,
District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ram Sumiran Rai,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-03-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in a case registered for the
offence under Section 30(a) of Bihar Prohibition and Excise
Act, 2018.

Recovery is of 298.125 liters of illicit liquor.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent. He has falsely been
implicated in the present case. Further submits that it appears
from the FIR as well as seizure list that altogether 298.125 liters
of illicit liquor has been recovered. Further submits that nothing
has been recovered from conscious possession of the petitioner
rather the recovery has been made from the Goods Train in



question and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 31.10.2022.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, nothing has been recovered from conscious possession of the petitioner and the petitioner has clean antecedent, 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 learned court below where the case is pending in connection with Rail Sasaram P.S.Case No.214 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

U		T	
---	--	---	--

