

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5790 of 2023**

Arising Out of PS. Case No.-573 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.  
District- East Champaran

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Nurul Hoda S/O Mojamil Miyan @ Mozmil Miya Resident Of Village-  
Dudahi, P.S.- Harsidhi, District- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Shakil Ahmad Khan  
For the Opposite Party/s : Mr.Yogendra Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      10-04-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner has filed the instant application for  
grant of regular bail in connection with Excise P.S. Case No.  
573 of 2022 registered under section 30(a) of the Bihar  
Prohibition & Excise Act.

Prosecution case relates to recovery of 45 liters of  
Nepali liquor from the motorcycle bearing Registration No. BR-  
05-Y-9902 which is being driven by the petitioner and the  
alleged liquor was kept over the seat in a sack.

Learned counsel for the petitioner submits that the  
petitioner is innocent and has committed no offence. He has  
falsely been implicated in this case. It is further submitted that



nothing has been recovered from the conscious possession of the petitioner and he has no concern either with the alleged recovery or with this alleged offence. Moreover, he is languishing in judicial custody since 11.08.2022.

The application for bail is opposed by learned APP for the State and submitted that the petitioner was apprehended by the police on spot with the said vehicle where the recovery has been made.

The petitioner is directed to deposit a sum of Rs. 10,000/- (Rs. Ten Thousand) in the District Legal Services Authority of concerned District.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioner, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Excise P.S. Case No. 573 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise No. 2, Motihari, East Champaran.

The bail bonds of the petitioner shall be accepted by the learned court below on showing the receipt of deposit of Rs.



10,000/- (Rs. Ten Thousand) by the petitioner in the account of  
the concerned DLSA.

**(Sunil Kumar Panwar, J)**

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