

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11691 of 2023

Arising Out of PS. Case No.-547 Year-2022 Thana- DAUDNAGAR District- Aurangabad

KHURSHID @ ZISHAN BABAR S/o Md. Babar Ali R/o Village- Ward no.
3, Mahua Tola near Masjid, P.S.- Sohsarai, Distt- Bihar Sharif (Nalanda).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-06-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30 (a), 32, 36 & 41 of the Bihar Prohibition and Excise Act, 2018.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner rather 800 liters of raw spirit is said to have been recovered from a godown of a transport agency. Petitioner has no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is nothing on record to indicate the complicity of the petitioner barring the



confessional statement of the apprehended person which has no evidentiary value in the eye of law. Petitioner has two criminal antecedents of similar nature of the offence as mentioned in para-3 of this application.

Petitioner is agreed to deposit a sum of Rs.40,000.00 (Rupees Forty Thousand) in the account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB141320, Punjab National Bank, Bar Council Branch, Patna.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Daudnagar P.S. Case No. 547 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any



similar offence till conclusion of the trial.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

Trivedi/-

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

