

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20037 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- BASANTPUR District- Siwan

Md. Neshar @ Absheik @ Abhishek Son of Surendra Prasad @ Surendra Prasad Sah R/O Mohallah- Tinkodhwa (Tinkothia), P.S.- Mithanpura, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Basantpur (Lakrinawiganj O.P.) P.S. Case No. 28 of 2023, registered for the offences punishable under Sections 272, 273, 328, 308, 304 and 120(B)/34 of the Indian Penal Code, 1860 and Sections 30(a), 37(b), 33 and 34 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per allegation, the informant, on information that several persons got ill after consumption of illicit liquor, raided the house of different accused persons and recovered huge quantity of illicit country made liquor. The name of the



petitioner sprang up on the basis of suspicion.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious physical possession of the petitioner. The name of the petitioner sprang up on the basis of suspicion.

He further submits that the petitioner has been languishing in jail since 24.01.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of ₹10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive



Special Excise Court No.1, Siwan, in connection with
Basantpur (Lakrinawiganj O.P.) P.S. Case No. 28 of 2023,
on the following conditions:

(i) The petitioner will make himself available for
interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that
investigation/trial will not get hampered on account of his
absence or non-cooperation. He must be available to the
police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly
make any inducement, threat or promise to any person
acquainted with the facts of the case so as to dissuade him
from disclosing such facts to the court or to any police
officer.

(iv) In case, it is brought to the notice of the court
below that the petitioner has any criminal antecedents,
learned court below shall cancel the bail bonds of the
petitioner after hearing him and getting satisfied that the
petitioner has concealed his criminal antecedents despite his
knowledge of the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

Learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

Amrendra/-

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