

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37104 of 2023

Arising Out of PS. Case No.-317 Year-2023 Thana- ARARIA District- Araria

MD. AGHAR @ IZHAR @ MD. IZHAR Son of Md. Nisar @ Nisar Ahmad
Resident of village - Gangoi ward no. 10, P.S. - Paru, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manindra Kishore Singh

For the Opposite Party/s : Mr.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Araria
(Bairgachhi) P.S. Case No. 317 of 2023 registered for the
offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of
102.75 litres foreign liquor from the car in question. Petitioner
is not apprehended on spot. Being owner of the said car the
name of present petitioner has been transpired in the present
case.

Learned counsel for the petitioner submits that
petitioner is in custody since 29.04.2023 and bears no criminal
antecedent. He further submits that petitioner is not



apprehended on spot. Nothing has been recovered from conscious possession of the petitioner. Petitioner has no knowledge about the alleged occurrence. Petitioner is innocent and has committed no offence as alleged in the F.I.R.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on spot, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise- 1, Araria in connection with Araria (Bairgachhi) P.S Case No. 317 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for



cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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