

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63802 of 2022**

Arising Out of PS. Case No.-164 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Kaimur (Bhabua)

Shahzad Khan, Son Of Ekhlakh Khan, R/O Vill.- Kunj, P.S.- Bhabua, Distt.-
Kaimur At Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh

For the Opposite Party/s : Ms. Gulnar Begum, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 20-01-2023 Today being Friday, matters are being taken up through virtual mode, as per current procedure for hearing.

Heard learned counsel for the petitioner and learned APP for the State.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Excise (Kaimur at Bhabua) Case P.R. No. 164/2022 registered under Section 30(a) of Bihar Prohibition and Excise Amendment Act.

171 litres illicit liquor from the luggage compartment of the bus has been recovered.

Learned counsel for the petitioner submits that on account of discharging his professional duty as *khalasi* of the bus, petitioner has been implicated. He has no knowledge as to who has kept the illicit in the luggage compartment. He has no antecedent and is in custody



since 09.07.2022. Recovery is denied and disputed, and is not in accordance with law.

Learned APP has opposed the prayer for bail.

Having regard to the manner of recovery, the submissions advanced by the parties, the period of custody and the fact that investigation is complete, this Court is inclined to allow the petitioner's prayer for bail. Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court-2, Bhabua, Kaimur, in Excise (Kaimur at Bhabua) Case P.R. No. 164/2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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