

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70655 of 2023

Arising Out of PS. Case No.-217 Year-2023 Thana- BHORE District- Gopalganj

Shaharukh Ansari @ Shahrak Ansari, Son Of Okil Miya @ Wakil Miyan
(ANSARI) Village-Lamichour, P.S-Bhore, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Javed Aslam, Adv. Mrs. Devika Rani, Adv.
For the Opposite Party/s	:	Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Bhore P.S. Case No. 217 of 2023, lodged on 14.05.2023 under
Sections 30(a) of the Bihar Prohibition and Excise Amendment
Act, 2016.

3. As per the prosecution case, total 85.80 litres of
country made liquor has been recovered which is the subject
matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioner has not apprehended from the place of occurrence and
his name has been disclosed by the local *chowkidar*. Counsel
also submits that no offence has been made out against the



petitioner in this case under Excise Act as he was neither arrested nor recovery has been made from his possession.

5. Learned counsel for the petitioner submits that there are 3 criminal cases pending against the petitioner in which he is on bail and the petitioner is in custody since 29.05.2023.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that it is true that in the present case the petitioner was not apprehend from the place of occurrence. Counsel further submits that there are 3 criminal antecedents of the petitioner and this aspect may be taken into consideration while granting bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail **only after framing of charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Spl. Judge Excise-I, Gopalganj in connection with Bhore P.S. Case No. 217 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his
bona fide;

(ii) the petitioner shall appear on each and every date
before the Trial Court and failure to do so for two consecutive
dates without plausible reason will entail cancellation of his bail
bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned
police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or
promise or threat the witnesses or tamper with the evidence,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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