

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71063 of 2023

Arising Out of PS. Case No.-1492 Year-2023 Thana- Excise P.S. District- Gaya

Md. Amir Raza S/O Nasimuddin Ansari Resident of Village- Nasrichak
Sharari, P.S. - Danapur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Gaya Excise P.S. Case No. 1492 of 2023, registered on 22.08.2023 for the alleged offences under Sections 30(a)/56(b) of Bihar Prohibition and Excise Act.

3. As per prosecution case, police received secret information about smuggling of liquor on a Scorpio vehicle from Dobhi to Patna. Three persons on a car were doing the work of liner while escorting the said Scorpio vehicle. Subsequently, the identified Scorpio was intercepted and driver and sub-driver were apprehended from that vehicle and from a secret compartment in the vehicle recovery of 117 litres of Indian made foreign liquor was made. On the basis of mobile call received by co-accused Manjeet Kumar, the petitioner was



apprehended from a car which had been escorting the Scorpio vehicle and the petitioner admitted that the liquor belonged to him.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. Nothing incriminating has been recovered either from the person or possession of the petitioner. The petitioner is not the owner of the vehicle seized. The petitioner has got no criminal antecedent. The petitioner is in custody since 23.08.2023.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the person or possession of the petitioner and further considering the period of custody of the petitioner, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Court No. III, Gaya/concerned court in connection with Gaya Excise P.S. Case No. 1492 of 2023, subject to the conditions mentioned in Section 437(3) of the



Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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