

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73980 of 2023

Arising Out of PS. Case No.-491 Year-2023 Thana- DHAKA District- East Champaran

Md. Ashik @ Md. Aashique @ Aashique Son Of Jafrul @ Md. Jafrul Shekh
Resident Of Village- Barewa, P.S.- Dhaka, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh

For the Opposite Party/s : Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 02-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail registered for the offence punishable under sections 414/34 of the Indian Penal Code and section 41(1) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 270 litres of nepali liquor from a maruti car which was being driven by the petitioner and he was arrested on spot.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. Petitioner has no concern with the alleged recovery. He was unaware about keeping of illicit liquor in the car, he was simply a driver. Provision of Section 100 CR.P.C. has not been followed by the police officials while preparing the seizure list.



Petitioner is languishing in judicial custody since 26.08.2023.

Learned APP appearing for the State has opposed the prayer of Bail.

Petitioner is directed to deposit Rs. **10,000/- (Rs. ten thousand)** in the concerned DLSA.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court no. 3, Civil Court, East Champaran, Motihari, Bihar in connection with Dhaka P.S. Case No. 491 of 2023.

The bail bonds of the petitioner shall be accepted by the learned court below on showing receipt of deposit of Rs. **10,000/- (ten thousand only)** by the petitioner in the account of concerned DLSA.

(Sunil Kumar Panwar, J)

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