

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1986 of 2023

Arising Out of PS. Case No.-183 Year-2022 Thana- BHAIKAVSHTHAN District-
Madhubani

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NAZIR @ NAJEER, aged about 26 years, Male, S/o Md. Sarful Haque @
Sariful R/o Village- Chocha, P.S.- Bayasi, Distt- Purnia.... ... Petitioner/s
Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hriday Narayan Harshit, Advocate

For the Opposite Party/s : Mr.Tapeshwar Sharma, App

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

2 24-04-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Bhairavsthan P.S. Case No. 183 of 2022 dated 01.10.2022
registered for the offence(s) punishable under Section(s) 34,
420, 467, 468, 471 of the Indian Penal Code and Sections 30(a),
32, 36 and 41 of the Bihar Prohibition and Excise Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that from the FIR itself it is
evident that petitioner was performing his duty as a driver on
the alleged truck when he was apprehended with the alleged
liquor along with other co-accused persons and two co-accused
persons, namely, Rajnish Kumar Thakur @ Rajnish Thakur
and co-driver Md. Akbar have been granted bail by a co-
ordinate Bench of this Court vide order passed in Cr. Misc.



No.73179 of 2022 and other analogous matter. Further submissions are that the petitioner has been languishing in jail since 03.10.2022 having fair and clean antecedent and at the time of alleged recovery, he was simply following the instructions given by the owner of the seized truck.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the facts that the petitioner is stated to be the driver of the alleged vehicle and similarly situated co-accused persons mentioned above are on bail and petitioner has fair and clean antecedent and against him, the investigation has been completed, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail, **after framing of charge, if the same has not been framed**, in connection with Bhairavsthan P.S. Case No. 183 of 2022 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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