

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.80217 of 2023**

Arising Out of PS. Case No.-125 Year-2023 Thana- BALIA BELON District- Katihar

1. Md. Nassem S/O Late Shekh Salim Village- Pokhariya, Ps. Muffasil, Dist. Purnea
  2. Md. Anwar S/O Md. Saleem Village- Pokhariya, Ps. Muffasil, Dist. Purnea
- ... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bholu Prasad  
For the Opposite Party/s : Mr. Gauri Shankar Gupta

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      14-12-2023                      Heard learned counsel for the petitioners and learned  
APP for the State.

2. The petitioners have prayed for regular bail in a case registered for the offence punishable under section 30(a) of the Bihar Prohibition & Excise Act.

3. The petitioners are said to have been apprehended with one scorpio vehicle bearing Registration No. BR11E-0755 from where, 93 liters of illicit liquor was recovered.

4. Learned counsel appearing on behalf of the petitioners have submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this present case. They have got no criminal antecedent. Petitioners have no concern with the alleged recovery or with the vehicle in question. No any incriminating article has been recovered from



their conscious possession. Moreover, they are languishing in judicial custody since 17.9.2023.

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

6. The petitioner no.1 Md. Naseem is directed to deposit a sum of **Rs 5,000/- (Five Thousand)** in the District Legal Services Authority of concerned District.

7. Considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Balia Belon P.S. Case No. 125 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Katihar.

8. The bail bonds of the **petitioner no.1** shall be accepted by the learned court below on showing the receipt of deposit of **Rs. 5,000/- (Rs. Five thousand)** in the account of the concerned DLSA.

**(Sunil Kumar Panwar, J)**

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