

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6576 of 2024

Arising Out of PS. Case No.-36 Year-2023 Thana- NADI District- West Champaran

Shakir Ansari @ Sakir Ansari S/o Naimuddin Ansari R/o Village - Madhopur
MATH, P.S. - Turkauliya, Dist. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prerna Anand

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Nadi
P.S. Case No. 36 of 2023 registered for the offences punishable
under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, 895.68 litre foreign liquor
was recovered from pickup van in question which was being
driven by the petitioner and he was apprehended on the spot.

4. Learned counsel for the petitioner submits that
petitioner is quite innocent and has not committed any offence
as alleged in the FIR. Learned counsel orally submits that
petitioner is not owner of the vehicle in question. Petitioner is
merely driver of the said vehicle and he has to follow the
instruction of his owner to earn the livelihood. No incriminating



article has been recovered from conscious possession of the petitioner. Petitioner has no knowledge regarding the alleged liquor that has been kept in the vehicle in question. Petitioner is in custody since 23.11.2023 and bears no criminal antecedent. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bagaha, West Champaran in connection with Nadi P.S. Case No. 36 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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