

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71033 of 2024

Arising Out of PS. Case No.-50 Year-2023 Thana- GHOGHARDIHA District- Madhubani

Md. Nazir Son of Late Md. Sakum Resident of Village- Manga Siyol, P.S-
Marauna, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-10-2024 Heard Mr. Ravi Prakash, learned counsel for the

petitioner and Mr. Dilip Kumar No.1, learned A.P.P. for the

State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 414 of the
Indian Penal Code and Section 30 (a) of the Bihar Prohibition
and Excise Act, 2016.

3. It is submitted by learned counsel for the
petitioner that no incriminating article has been recovered from
the conscious physical possession of the petitioner rather
48.720 liters of foreign liquor is said to have been recovered
from a tempo. Petitioner is the owner of the said tempo.
Petitioner has no concern either with the seized liquor or the
place of recovery or any trade of liquor. As a matter of fact,



petitioner has given the said tempo to his driver to ply on rent without knowing the contents laden thereon. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

4. Petitioner is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) in the account of Mahavir Cancer Sansthan, bearing Account No.3332964762, Central Bank of India, Chitkohra Branch, IFSC Code :CBIN0282779 (fifth character is zero), MICR Code : 800016018.

5. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Ghoghardiha P.S. Case No. 50 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

- (i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.
- (ii) The petitioner shall not indulge himself in any



similar offence till conclusion of the trial.

6. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Mahavir Cancer Sansthan.

7. The court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no.3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no.3, this order will loose its force automatically.

(Anjani Kumar Sharan, J)

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