

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82932 of 2023

Arising Out of PS. Case No.-565 Year-2023 Thana- DHAKA District- East Champaran

Md. Nasir @ Md. Nashir Son Of Kamrullah Resident Of Village- Jhitkahi, Ps-
Pachpakari, Dist- 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 : Mr. Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Dhaka (Pachpakari) P.S. Case No. 565 of 2023 registered for the offences punishable under Sections 30(a) and 41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution, 350.100 litres of illicit Nepali liquor was recovered from a Maruti Suzuki Car in question and the petitioner was apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is in custody since 08.10.2023 and bears no criminal antecedent. He further submits that the petitioner has no concern with the alleged vehicle and the illicit liquor. He also submits that nothing has been recovered from the conscious possession



of the petitioner. Petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. and he has falsely been implicated in the present case. Seizure list has not been prepared as per the law.

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 the 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 Exclusive Special Excise Court No.1, Civil Court, East Champaran at Motihari in connection with Dhaka (Pachpakari) P.S. Case No. 565 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 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 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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