

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60141 of 2025

Arising Out of PS. Case No.-348 Year-2025 Thana- MIRGANJ District- Gopalganj

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Aas Mahammad Hawari @ Ashmammad Hawari @ Aas Muhamad Hawari
S/O Chand Muhamad R/O Village- Chhap, P.S.- Mirganj, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 17-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in a case registered under Section 317(5) of the Bharatiya Nyaya Sanhita and Section 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, 2.4 litre of illicit liquor was recovered from the plastic bag hidden in the bush.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to *malafide* intention and four criminal antecedents. Further submission is that petitioner has no concern with the seized liquor and place of occurrence. Nothing has been



recovered from conscious possession of the petitioner. The charge-sheet has already been submitted after completion of investigation. Petitioner is in custody since 29.06.2025 and he undertakes to cooperate in the trial. There is no likelihood of absconding of the petitioner or tampering with the evidence.

5. Learned APP for the State has opposed the prayer for regular bail of the petitioner.

6. Considering the facts and circumstances of the case and the submissions of learned counsel for the parties, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-IV-cum-Special Excise Court No. II, Gopalganj in connection with Mirganj P.S. Case No.348 of 2025 with further conditions:-

(i) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(ii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(iii) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Sunil Dutta Mishra, J)

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