

Court of A.D.J. IInd cum Special Judge (Excise), Darbhanga

G.O. B.P. No. 687/2019

G.O. Case No. 251 of 19 / Sadar P.S. Case No. 654 of 2019

Md. Abu Nasar son of Md. Ali KarimPetitioner

Versus

The State of BiharOpposite Party

For the Petitioners :- Sri Md. Q.A. Khan, Advocate.

For the Opposite Party (State) :- Sri Hare Ram Sahu, Special P.P.

ORDER

08-07-2019 Bail petition has been filed on behalf of custody accused Md. Abu Nasar along with fresh power. Copy of bail petition has been served upon the learned Spl. P.P.

Heard learned counsel for the petitioner as well as learned Special P.P. for the state.

It is submitted on behalf of the petitioner that he is innocent. He has committed no offence. Nothing has been recovered from the possession of the petitioner. Petitioner has got no criminal antecedent and he is languishing in jail since 29-06-19. Accordingly, it has been prayed to enlarge the petitioner on bail.

Learned Special P.P. opposed the prayer of the petitioners for grant of bail.

This case has been registered u/s 30(a) of Bihar Prohibition and Excise Act, 2016 and u/s and 13 Gambling Act. Upon perusal of the case record, it appears that 12 bottles of 180ml each, total 2.160 litres liquor was seized from the mango orchard and 13 accused persons including petitioners were arrested there. The petitioner is in custody since 29-06-2019.

Considering the entirety of the facts and circumstances, quantity of liquor and number of accused persons as well period undergone in custody and clean antecedent of the petitioner, the petitioner is hereby directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties each of the like amount **with following conditions:**

(I) That one of the bailor shall be a close relative of the petitioner.

(II) That the petitioner shall remain physically present on each date till disposal of the case. If on two consecutive date the petitioner will be absent without any cogent reason, then his bail bond shall be automatically canceled.

(III) That the petitioner shall not indulge in similar nature of cases in future.

(Dictated)

(Sanjay Agarwal)
Special Judge,
Darbhanga
08-07-2019