

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No. 36773 of 2018**

Arising Out of PS. Case No.-219 Year-2018 Thana- Kishanganj District- Kishanganj

1. Md. Kalam, Son of Late Md. Mumtaz  
2. Md. Afsuj Zaman, Son of Md. Kalam,  
Both are Residents of Hawaii Adda, P.S. & District- Kishanganj.  
... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Md. Nurul Hoda  
For the Opposite Party/s : Mr. Pranav Kumar

**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

2. 29-06-2018 Heard Mr. Md. Nurul Hoda, learned counsel for the  
petitioners and Sri Pranav Kumar, learned Addl. Public  
Prosecutor.

Two petitioners, having clean antecedent, which fact  
has been stated in paragraph – 3 of the petition, apprehending  
their arrest in Kishanganj P.S. Case No. 219 of 2018 (Special  
Case No. 74 of 2018) registered for offence under Section 30(a)  
of Bihar Prohibition and Excise Act, 2016, have prayed for grant  
of bail in the event of their arrest or surrender.

Learned counsel for the petitioners submits that  
petitioner no. 1 (Md. Kalam) is owner of the pick-up van and  
petitioner no. 2 (Md. Afsuj Zaman) was the driver of the said  
pick-up van. It has been argued that said pick-up van was used  
for carrying chicken and while it was moving, the police tried to  
intercept, however; due to fear, the petitioner no. 2 tried to flee



away and thereafter, leaving the vehicle, he fled away. Subsequently, the police has concocted a case, as if, in the vehicle, four bottles of Beer weighing 2.6 litres was kept. It has been argued that petitioner no. 2, only due to fear, had fled away, otherwise, in the vehicle, there was no such material.

Be that as it may, in view of nature of accusation as well as clean antecedent, in the event of their arrest or surrender within a period of six weeks from today, let both petitioners namely Md. Kalam and Md. Afsuj Zaman be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) each with two sureties of the like amount each to the satisfaction of learned IInd Additional District & Sessions Judge-cum-Special Judge, Excise Act, Kishanganj in connection with Kishanganj P.S. Case No. 219 of 2018 (Special Case No. 74 of 2018), subject to condition as contemplated under Section 438(2) of the Code of Criminal Procedure, 1973.

**(Rakesh Kumar, J.)**

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