

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5405 of 2019

Arising Out of PS. Case No.-417 Year-2018 Thana- TURKAULIYA District- East
Champaran

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Firoz Ahmad, aged about 38 years, (Male), son of Shekh Isalam, r/o vill
Sankar Sariya, P.S. Tukawaliya, District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2, Adv.
For the Opposite Party/s : Mr.Raj Ballabh Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 05-03-2019 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in
connection with Turkawaliya P.S. Case No. 417 of 2018,
registered for the offences punishable under Sections 272,
273/34 of the Indian Penal code and Section 30(a) 38(i), 41 (i)
of Bihar Prohibition and Excise Act, 2016.

Informant who is police officer in his self-
statement has stated that he received a confidential information
on 09.07.2018 that Nijjaudin @ Bijli Sah and Merajul are
involved in trade of illicit spirit and has brought a big
consignment of spirit for illicit purpose of preparing liquor and
on said information raid was conducted and 3800 liters of spirit



was recovered from Bolero vehicle of petitioner which was unloaded from truck. On seeing police party petitioner and other fled away and thereafter truck and Bolero vehicle with spirit was seized.

It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been falsely implicated in this case. Petitioner was not arrested on the spot nor any illicit spirit has been recovered from his possession. Petitioner is owner of the vehicle and he was not aware that the said vehicle is being used for carrying illicit liquor by the driver. He has no criminal antecedence and is in custody since 31.10.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. 7th cum-Special Judge Excise, Motihari, East Champaran, in connection with Turkawalia P.S. Case No. 417 of 2018, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be represented on each and every date fixed by the court.
- (3) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bonds.

(S. Kumar, J)

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