

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29444 of 2019**

Arising Out of PS. Case No.-735 Year-2018 Thana- KANTI THARMAL POWER District-  
Muzaffarpur

MD. INAM son of Md. Ekram, resident of Bhasarganj Mandi Jalalabad, P.S.  
Bhawan, District-Samli (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Babita Kumari  
For the Opposite Party/s : Mr.Bishweshwar Ram

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

3      15-05-2019                      Heard learned counsel for the petitioner and learned  
counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since  
22.11.2018 in connection with Kanti P.S. Case No. 735 of 2018  
for offences punishable under Section 120(B) of the Indian  
Penal Code and Sections 30(a), 41, 44, 45, 48 of the Bihar  
Prohibition and Excise Act, 2016.

The prosecution case as lodged by the police  
personnel is that the on secret information that some illicit  
liquor is being carried in a truck, the truck driven by the  
petitioner was intercepted and Khalasi Md. Faruk was also  
found present in the truck. On search from the truck, 2214 litres  
of Indian made foreign liquor was recovered. Accordingly, a



seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent, was just a driver of the said truck neither the owner of the said truck or the illicit liquor. He submits that charge-sheet has already been submitted and the petitioner is languishing in judicial custody since nearly six months.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations, materials on record and that the charge-sheet has already been submitted coupled with the fact that petitioner does not bear any criminal antecedent as stated in para-3 of the present application, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Muzaffarpur in connection with Kanti P.S. Case No. 735 of 2018 subject to the conditions that:

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) If the petitioner indulges in an offence of similar



nature in future, the prosecution will be at liberty to move the  
learned Court below for cancellation of his bail bonds.

**(Nilu Agrawal, J)**

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