

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21152 of 2021

Arising Out of PS. Case No.-307 Year-2020 Thana- KOCHADHAMAN District- Kishanganj

MD. SADDAM @ SADDAM Son of Asfak @ Md. Asfak Resident of Durga
Gauri, Ward No. 45, P.S.- Pradhan Nagar, District - Darjiling (West Bengal).
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mazharul Hassan, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 14-12-2021 Heard Mr. Mazharul Hassan, learned counsel
appearing on behalf of the petitioner and Mr. Md. Mushtaque
Alam, learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 20.12.2020,
seeks bail in connection with Koachdham Town P.S. Case No.
307 of 2020, for the offence punishable under Sections 30(a),
35, 36 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in brief, is that altogether 720
litres of illicit liquor was recovered from two vehicles bearing
registration Nos. WB04H-1502 and WB73F-6650 along with
other articles. A seizure-list was also prepared in presence of the
petitioner near the Check-post.

Learned counsel appearing on behalf of the petitioner
submits that he has made specific statement in paragraph No.7



that he is working as mechanic and the other co-accused had asked him to check the vehicle and repair it for some mechanical fault. He further submits that he has falsely been implicated in this case and he is not engaged, in any manner, in the trade of illicit liquor, which has been seized and as such he deserves to be released on bail.

Learned A.P.P. for the State, however, opposes the prayer for grant of bail to the petitioner.

This Court vide order dated 17.11.2021 had directed the Senior Superintendent of Police, Kishanganj to furnish a report with respect to the owner of the vehicles bearing registration Nos. WB04H-1502 and WB73F-6650. In compliance of the said order, a report has been submitted before this Court from which it appears that the owner of the said vehicles are Nanda Kishor Sah and Giradhari Prasad, respectively, whose details are mentioned in the said reports.

From perusal of F.I.R., it appears that the owner of the aforesaid vehicles have not been arrayed as an accused, whose direct complicity in the alleged offence cannot be ruled out. The petitioner, being a mechanic, has been made scapegoat and as such he may be released on bail.

Considering the aforesaid facts and circumstances of the case, it is directed that the learned Court below after verifying the criminal antecedent of the petitioner and on being satisfied ¹ other criminal case or excise case is



pending against the petitioner, the petitioner, above named, be released on bail on furnishing bail bond of Rs. 1,00,000/- (Rs. One Lakh) with two sureties of the like amount each to the satisfaction of the learned Addl. District & Sessions Judge-II-cum-Special Judge, Excise, Kishanganj in connection with Koachdham P.S. Case No. 307 of 2020 subject to the following 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 properly 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 offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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