

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10323 of 2022

Arising Out of PS. Case No.-151 Year-2018 Thana- BUXAR INDUSTRIAL District- Buxar

Kallu Miya @ Salim Sah Son Of - Late Rustam Sah Resident Of Village -
Koirpurawa, Buxar Ward No. 28, P.S. - Buxar Town, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rohit Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

2 20-05-2022 The applicant is accused in Crime No.151 of 2018 registered with Buxar (Ind) Police Station for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act. By this application he is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused as well as learned Additional Public Prosecutor appearing for the State.

According to the prosecution case, police received secret information that one Maruti Car accompanied by a Motorcycle will be entering in the Bihar State from Uttar Pradesh and the illicit liquor is being brought in the said car. Accordingly, police apprehended the car. There were five inmates of the car. Out of them two, namely, Pince Chaubey



and Rabindra Rajbhar, came to be apprehended. Subsequently, motorcycle came and rider of that motorcycle, namely, Sanjeev Mishra, was apprehended. Sanjeev Mishra disclosed name of the present applicant. The car was found to be transporting illicit liquor. Co-accused apprehended on the spot are already directed to be released on bail by the coordinate Bench of this Court.

Investigation of the subject crime is over. Hence, further pretrial detention of the applicant is not warranted and, therefore, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 151 of 2018 registered with Buxar (Ind) Police Station be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.



(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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