

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24579 of 2022

Arising Out of PS. Case No.-233 Year-2020 Thana- FALKA District- Katihar

Imtiyaz Alam S/O Bindu Alam Resident Of Ward No. 04, Madhav Nagar,
P.S.- Bhawanipur, District- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-07-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State through video
conferencing.

Petitioner seeks bail in a case registered in connection
with Falka P.S Case No. 233 of 2020 for the offences punishable
under Sections 420 of the Indian Penal Code and section 30(a)
of the Bihar Prohibition & Excise Act 2016.

As per the prosecution case, it is alleged that on
confidential information that some persons were carrying
foreign liquor in a pick -up-van, intercepted by the police and on
search being made altogether 1300 liters foreign liquor in
different brands containing in cartoons were recovered. It is



further alleged that on noticing the police four persons who were sitting in the pick-up-van fled away however, one of them was apprehended by the police, who disclosed the name of three others, including this petitioner.

It is submitted by the learned counsel for the petitioner that petitioner was neither arrested nor any incriminating material has been recovered from person and possession of the petitioner. The name of petitioner has been disclosed by the Md. Manzar and he has already been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 35327 of 2020 vide order dated 22.12.2020. it is next submitted that other co-accused persons having identical allegation have also been granted bail. It is lastly submitted that this petitioner is in custody since 08.02.2022, having clean antecedent.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner was neither arrested on the spot nor any incriminating material has been recovered from person and possession of the petitioner. Moreover, apprehended co-accused persons, who disclosed the name of petitioner has already been granted bail by co-ordinate



Bench of this Court, though investigation has already been concluded and the charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Katihar in connection with Falka P.S. Case no. 233 of 2020 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the



petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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