

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27628 of 2022

Arising Out of PS. Case No.-122 Year-2022 Thana- BAISI District- Purnia

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Sawah Alam @ Samah Alam, Son of Late Suleman @ Md. Suleman Resident
of Village - Jahangir Tola Ward No. 08, Police Station and District - Araria.
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-08-2022 No one appears on behalf of the petitioner. Learned

APP for the State is present through virtual mode in view of

COVID-19.

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

The petitioner is in judicial custody in connection
with Baisi P.S. Case No.122 of 2022 instituted under Sections
272, 273 of the Indian Penal Code and Section 30(a), 41 and 47
of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that total 132.00
liters of foreign liquor has been recovered from the conscious
possession of the petitioner, which was transporting from a
Maruti Suzuki Car. Accordingly, seizure list was prepared.

As per averments made in the bail application, the
alleged seizure/recovery is from the Maruti Suzuki Car. Further,



it has been stated in the bail application that the petitioner being the driver, he had absolutely no concern with the presence of the said foreign liquor inside the car and due to absence of the said information, he had gone into the judicial custody despite the fact that he has no criminal antecedent. Further it reflects from the order sheet that the petitioner is in custody since 30.03.2022.

Taking into account the aforesaid fact that the petitioner is a driver, has no criminal antecedent and is in custody since 30.03.2022 as also the fact that the charge-sheet stands submitted, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Baisi P.S. Case No.122 of 2022 to the satisfaction of learned Exclusive Special Excise Judge Court No.1, Purnea, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reasons will entail cancellation of his/her bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his/her presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his/her bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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