

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29072 of 2022

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

Md Galib Alam @ Md Ghalib Alam, Son Of Afaque Alam @ Afak Alam,
Resident Of Village- Raghunathpur, Ward No 14, P.S- Araria , Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 17-08-2022 Heard learned counsel for the petitioner and
learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Baisi P.S. Case No. 122 of 2022 registered for the alleged offences under Sections 272 and 273 of the Indian Penal Code and Sections 30 (a), 41 and 47 of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, recovery of 132 litres of Indian made foreign liquor was made from a Maruti car and the petitioner and co-accused were apprehended after chase when they tried to run away from the intercepted car.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and he has been made accused only on the basis of suspicion as the petitioner was merely a driver of the said car. There is no recovery from the conscious possession of this petitioner and he has nothing to do with alleged recovery of foreign liquor. He was not aware about the articles kept in the dickey of the car. Charge-sheet has been submitted and the petitioner is in custody since 30.03.2022. The petitioner has got clean antecedent and the co-accused has been granted bail.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the submission of charge-sheet along with period of the custody of the petitioner, who has got clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, Court No.1, Purnea in connection with Baisi P.S. Case No. 122 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the other following conditions:

- (i) One of the bailors will be Rukhsana Khatoon,



mother of the petitioner, who has sworn the affidavit.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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