

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43813 of 2022**

Arising Out of PS. Case No.-32 Year-2022 Thana- KOCHADHAMAN District- Kishanganj

Firoz Alam @ Baba, Son Of Late Md. Sagir @ Sagiruddin, R/O Village-  
Rehmatpara, Dakopara, P.S.- Kochadhaman, District- Kishanganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Radha Mohan Singh, Advocate

For the Opposite Party/s : Mrs.Gulnar Begum, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      30-09-2022                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office  
be removed within four weeks.

In the present case, the petitioner seeks bail in  
connection with Special Case No. 83 of 2022, arising out of  
Kochadhaman P.S. Case No. 32 of 2022 registered for the  
alleged offences under Section 30 (a) of the Bihar Prohibition  
and Excise Act.

Allegedly, 355.875 litres of India made foreign liquor  
was recovered from a Pick-up van. The petitioner is alleged to  
be unloading the liquor from the van. However, he fled away  
from the spot.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The petitioner has not been arrested from the spot and nothing incriminating has been recovered from his conscious possession. The charge sheet has been submitted in this case. The petitioner is in custody since 21.06.2022.

Learned A.P.P. opposes the prayer for bail made on behalf of the petitioner submitting that the petitioner is a habitual offender.

Having regard to the submissions made on behalf of the petitioner and considering the fact that the petitioner has not been arrested from the spot and no recovery has been shown from his possession and further considering the submission of charge sheet and the period of custody of the petitioner, he 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 Additional District and Sessions Judge-II-cum-Special Judge (Excise), Kishanganj, in connection with Special Case No. 83 of 2022 arising out of Kochadhaman P.S. Case No. 32 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

(i) The bail bond of the petitioner will be



accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

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

(iv) 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)**

V.K.Pandey/-

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