

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44802 of 2022

Arising Out of PS. Case No.-3 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Badaruddin Alam Son of Md. Shami Resident of Village - Mohli, P.s.-
Guraru, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Pravesh Nath Tiwari, Advocate
For the Opposite Party/s : Mr. Nityanand, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-11-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner is apprehending his arrest in a case
registered for the offences punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

Recovery is of 10.50 liters of foreign liquor.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that in fact the
petitioner is not named in the FIR, the name of the petitioner has
been transpired in this case during the investigation. He further



submits that the alleged recovery has been made from the bag kept on the motorcycle in question which has been driven by the co-accused Guddu Kumar and Sunny Kumar, who have been apprehended from the spot. He further submits that the petitioner has been made accused in this case only on the basis of his ownership over the alleged motorcycle. He, however, further submits that the motorcycle in question had already been sold to the co-accused Guddu Kumar on 06.07.2021, five months prior to the alleged occurrence. He also submits that the petitioner has no concern at all with the alleged recovery and the motorcycle in question.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond or Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection Excise P.S. Case No. 03 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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