

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45173 of 2022

Arising Out of PS. Case No.-409 Year-2021 Thana- PAROO District- Muzaffarpur

MD. IMTEYAZ @ SONU S/o Md. Naushad R/o Village - Chhapki, P.S.
Maniyari, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar

For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks bail in connection with Paroo P.S.
Case No. 409/2021 registered for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery of
total 620.28 liters foreign liquor from Pick-up van in question.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case due to dirty village politics. The petitioner is not named in
the FIR. Nothing has been recovered from the conscious
possession of the petitioner. During course of investigation, the



name of petitioner has surfaced in this case on the statement of witnesses, Fuleshwar Ram as mentioned in para 69 of the case diary, shows driver of the seized vehicle. The petitioner being driver of the said vehicle in question was not aware regarding the illicit liquor loaded on the said vehicle. The petitioner has no concern with the seized liquor. Learned counsel for the petitioner further submits that the petitioner is languishing in custody since 08.03.2022 and bears no criminal antecedent. Learned counsel for the petitioner specifically submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not named in the FIR, charge sheet has already been submitted in this case as submitted and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.-II, Muzaffarpur in connection



with Paroo P.S. Case No. 409/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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