

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54404 of 2022

Arising Out of PS. Case No.-29 Year-2022 Thana- NATIONAL HIGHWAY District-
Samastipur

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Md. Ahmad @ Md. Ahmed @ Mohammad Ahmad, S/o Md. Abbas @
Mohammad Abbas, Resident of village- Dariyapur Laghuniya, P.S.- Muffasil,
District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd., APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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

In the present case, the petitioner seeks bail in
connection with N.H. Bangara P.S. Case No. 29 of 2022
registered for the alleged offences under Sections 272, 273 of
the Indian Penal Code and Section 30(a) of Bihar Prohibition
and Excise (Amendment) Act, 2018.

As per prosecution case, recovery of 189 liters of
India made foreign liquor was made from a truck and one santro
car. The petitioner was apprehended from the spot and he is
stated to be the driver-cum-owner of the said truck from which



recovery of 101.250 liters of liquor was made.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The illicit liquor was not recovered from the conscious possession of this petitioner as the same has been recovered from the cabin of the truck and the Santro car and merely on suspicion the petitioner has been implicated in the present case. The co-accused Manoj Chaudhary took lift in the truck driven by the petitioner and put his goods on the truck and the petitioner got implicated after recovery of the liquor in this case. The petitioner is in custody since 16.03.2022 and charge-sheet has been submitted in this case. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the submission of charge-sheet and the period of custody of the petitioner along with his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge-I, Excise Act, Samastipur in connection with N.H. Bangara P.S.



Case No. 29 of 2022, subject to the conditions mentioned in
Section 437(3) of the Cr.P.C. and the following conditions:

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

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

(iii) In case of absence for 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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