

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59564 of 2022

Arising Out of PS. Case No.-152 Year-2020 Thana- GAYA KOTWALI District- Gaya

Jubir Alam @ Nishu @ Jubair Alam Son of Md Jayar @ Jayar Alam R/o
Mohalla- Banke Gali, Panchaitya Akhara, P.S- Kotwali Gaya Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha

For the Opposite Party/s : Mr. Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 02-12-2022 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Kotwali
(Gaya) P.S. Case No. 152 of 2020, registered for the
offences punishable under Section 30(a) Bihar Prohibition
and Excise Act.

As per allegation, a total of 27 liters of liquor has
been recovered from the house of one Saddam.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner is not
named in the FIR and nothing has been recovered from his



conscious possession.

The petitioner has been languishing in jail since 30.08.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has moved earlier before this Court for grant of anticipatory bail in Cr. Misc. No. 21770 of 2021.

It has further been stated in paragraph no. 3 that the petitioner has been made accused in two more cases.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Exclusive Special Excise Court No.1, Gaya in connection with Kotwali (Gaya) P.S. Case No. 152 of 2020 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that



investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to



remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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