

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71214 of 2021**

Arising Out of PS. Case No.-67 Year-2021 Thana- DANDKHORA District- Katihar

MD SAFDAR ALAM@ MD SABDAR SON OF MD. NASRUDDIN @  
NUNKU RESIDENT OF D.S COLLEGE ROAD, IMLIGACHHI,  
RASULPUR CHOWK, P.S- NAGAR KATIHAR, DIST- KATIHAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms.Shilpi Keshri, Adv.

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      06-06-2022                      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.

The petitioner seeks regular bail in connection with  
Dandkhora P.S. Case No. 67 of 2021 registered for the offence  
punishable under Section 30(a) of the Bihar Prohibition and  
Excise Act, 2016.

The prosecution case, as per the First Information  
Report, is that the police, in course of vehicle checking, stopped  
one Tata Sumo Gold vehicle, but on seeing the police party, the  
driver of the said vehicle succeeded in fleeing way, however the  
police arrested the passengers of the said vehicle and recovered



291 litres of illicit liquor from the said vehicle. The apprehended co-accused disclosed the name of the present petitioner as driver of the said vehicle.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged. Nothing was recovered from conscious possession of the petitioner. He further submits that petitioner is driver of the said vehicle. Petitioner bears criminal antecedent of two cases and he is in custody since 10.10.2021. He further submits that charge sheet has already been submitted against him and as such there is no likelihood that the petitioner will abscond or tamper with the evidence. He further submits that having more or less similar allegation, co-accused Md. Jamaluddin has been granted bail by a co-ordinate Bench of this court vide order dated 23.05.2022 passed in Cr. Misc. No. 69226 of 2021.

Considering the facts and circumstances of the case as well as period of custody 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. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge (Excise Judge), Katihar in



connection with Dandkhora P.S. Case No. 67 of 2021, subject to following conditions:-

(i) The petitioner shall be released after framing of charges.

(ii) One of the surety shall be either father or mother or sister or brother or wife or the person who 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 would be a ground for cancellation of bail by the learned Trial court itself.

**(Alok Kumar Pandey, J)**

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