

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9174 of 2023**

Arising Out of PS. Case No.-52 Year-2022 Thana- MANIYARI District- Muzaffarpur

Kalamuddin @ Kamaludin @ Md. Kamaluddin Son Of Delowar Hossain R/O  
Barpeta, Gandari Para, P.S.- Barpeta, District- Barpeta, Assam

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Arun Kumar Mandal

For the Opposite Party/s : Mr.Sucheta Yadav

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      17-04-2023                      Heard learned counsel for the petitioner and  
  
learned APP for the State.

The petitioner has prayed for bail in a case registered for the offence punishable under sections 420, 467, 468, 471, 120(B)/34 of Indian Penal Code and Section 30(a), 36, 41(1) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 1916.250 litres of I.M.F.L. from a truck bearing registration number MH-04KF-7379. Driver of the truck was apprehended on the spot.

Learned counsel appearing on behalf of the



petitioner has submitted that petitioner is innocent and has committed no offence. He has no concern with the alleged recovery or with the vehicle in question. The name of the petitioner has been disclosed in this case by the apprehended co-accused, namely, Shiv Shankar, who has been granted bail vide order dated 16.08.2022, passed in Cr. Misc. No. 26662 of 2022 by the co-ordinate Bench of this Court. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. There is no independent witness of the alleged seizure. Moreover, the petitioner is languishing in judicial custody since 17.08.2022.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on



bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise), Court No. II, Muzaffarpur in connection with Maniyari P.S. Case No. 52 of 2022.

**(Sunil Kumar Panwar, J)**

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