

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30295 of 2023

Arising Out of PS. Case No.-6 Year-2023 Thana- NIRMALI District- Supaul

MD. ASLAM Son of Zafar Ahmad Resident of village - Kali Bazar Arariya,
ward no. 13, P.S. - Araria, Distt. - Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 21-08-2023

Heard the parties.

The petitioner is in custody in connection with Nirmali P.S. Case No. 6 of 2023 for the offence under section 30(a) of the Bihar Prohibition and Excise Act lodged on 15.01.2023 by the informant, Rajeev Sahni.

As per the prosecution story, the Police intercepted a vehicle and 3964 bottles of 'ESKUF' cough syrup totalling 396.4 liters was/were recovered and the driver, cleaner as also the petitioner were arrested. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that he is neither the driver nor the cleaner and/or the owner, was a passenger traveling in the cabin and got implicated.

The further submission is that the driver and the cleaner has since been released on bail by a co-ordinate Bench



vide Cr. Misc. No. 30712 of 2023.

Let the same be kept on record.

Learned APP opposes the prayer for bail.

Taking into account the aforesaid facts as also that the petitioner do not have criminal antecedent, is in custody since 16.01.2023 and two of the co-accuseds have since been granted bail, as stated above, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No. 2, Supaul, in connection with Nirmali P.S. Case No. 6 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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