

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38513 of 2023

Arising Out of PS. Case No.-321 Year-2023 Thana- KATIHAR NAGAR District- Katihar

MD. TAIYAB Son of Md. Bechan Resident of Mohalla - Hawaii Adda,
Sharifganj, P.S. Nagar (Sahayak), Distt. - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-07-2023 Heard the parties.

The petitioner is in custody in connection with Nagar P.S. Case No. 321 of 2023 for the offence under Sections 30 (A) of the Bihar Prohibition and Excise Act 2018 lodged on 02.05.2023 by the informant, Pankaj Pratap.

The prosecution case, in brief, is that the informant Pankaj Pratap, PWD, Nagar Police Station, Katihar on 02/5/23 at 08:05 am, received a secret information that after getting down from the train coming from West Bengal side, a person is coming towards Santoshi Chowk located in Ward No. 16 with a bag full of liquor on his back. The informant gave the above information to the Senior Officer and left with the armed forces of Panther Mobile as per instructions.

When the informant reached near Santoshi Chowk, Ward No. 16 at around 08:30, he saw that a person coming with



a bag. On seeing the police force, he tried to escape. The said person who was running away with was chased and apprehended with the bag. On query, he gave his name as Md. Tayyab. When the search was conducted duly following the search rules, a total of 22.425 liters of foreign liquor was/were recovered from the bag and the liquor was seized after making a duly seized list. Accordingly, the F.I.R.

It has been contended by the learned counsel for the petitioner that the seizure is of 22.425 liters of foreign liquor and the petitioner is in custody since 02.05.2023 (as stated in para 11 of the petition).

Learned APP opposes the prayer for bail.

Considering the aforesaid fact that the petitioner is in custody since 02.05.2023 and do not have any criminal antecedent and ultimately will have to face the trail, 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. 10,000/38513- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge, Exclusive Excise, Court No. II, Katihar, in connection with Nagar P.S. Case No. 321 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 application is allowed.

(Rajiv Roy, J)

Jagdish/kiran/-

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