

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43398 of 2023

Arising Out of PS. Case No.-290 Year-2022 Thana- BAHADURGANJ District- Kishanganj

MD. FAIYAZ AHAMAD @ FAIYAZ AHMAD @ FAIYAJ AHAMAD Son
of Sabbir Ahamad Resident of Karim Nagar, Near Shahil Fan, Damodarpur,
Patahi, P.S. - Kanti, Distt. - Muzaffarpur, Bihar Pin - 843113

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bishwajit Gangly, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Learned counsel for the petitioner is permitted to
make correction in respect of the P.S. Case No. Let it be
corrected in all the records.

3. The petitioner in the present case is seeking pre-
arrest bail in connection with Bahadurgaj P.S. Case No.- 290 of
2022 registered for the offences punishable under Section 30(a)
Bihar Excise & Prohibition Act.. He has got no criminal
antecedent.

4. Learned counsel for the petitioner submits on 03rd
November, 2022 a Honda City car was coming from Thakurganj
side and was signaled to stop by the informant's team for
routine prohibition check. The driver of the vehicle tried to



escape but the vehicle was caught with the help of police. On search of the seized vehicle, about 4.580 litres of illicit Indian made foreign liquor was recovered. The petitioner is the registered owner of the vehicle.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the nothing has been recovered from the possession of the petitioner.

6. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

7. Having regard to the submission that the Honda City car do belongs to this petitioner but at the relevant time when it was intercepted by police it was being driven by the nephew of the petitioner and there was another person in the vehicle, there is no allegation that there was any third person, hence, the submission being that the petitioner was not in conscious possession of the illicit liquor in the car and he has no criminal antecedent, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named shall be enlarged on bail in connection with Bahadurgaj P.S. Case No.- 290 of 2022 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
ADJ II-cum- Special Judge (Excise)-I at Kishanganj, subject to
the conditions as laid down under Section 438(2) of the Cr.P.C.

8. And further condition that the court below shall
verify the criminal antecedent of the petitioner and in case, at
any stage, it is found that the petitioner has concealed his
criminal antecedent, the court below shall take step for
cancellation of bail bond of the petitioner. However, the
acceptance of bail bonds in terms of the above-mentioned order
shall not be delayed for purpose of or in the name of
verification.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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