

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47984 of 2023

Arising Out of PS. Case No.-463 Year-2023 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

Md. Firoj S/O Md Muslim R/O Village- Madhu Chowk, P.S. Barari, Dist.
Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
02.06.2023, in connection with Kotwali (Barari) P.S. Case No. 463
of 2023, F.I.R. dated 19.05.2023 registered for the offences
punishable under Sections 30(a), 32(i)(ii) 41 of the Bihar
Prohibition and Excise Act.

3. The case relates to recovery of 6 bottles each
bottle containing 375 ml, 48 bottles each bottle containing 375
ml and 13 bottles each bottle containing 375 ml make of
different companies of Indian made foreign liquor from a Tempo.

4. Learned counsel for the petitioner submits that
the petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that it appears



from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession of the petitioner rather recovery has been made from the Tempo in question and there is non compliance of Section 100 of the Cr. P.C. He further submits that the petitioner has no concern at all with the alleged recovery of illicit liquor or the Tempo in question and the petitioner is in custody since 02.06.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, nothing has been recovered from the possession of the petitioner and having clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-I, Bhagalpur in connection with Kotwali (Barari) P.S. Case No. 463 of 2023, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

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