

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50356 of 2023

Arising Out of PS. Case No.-127 Year-2023 Thana- KISHANPUR District- Supaul

MD SHAKUR @ MD SHAKUR MIAN S/O LATE BHADO MIYAN R/O
VILLAGE- SUKHASHAN, WARD NO. 02, PS. KISHANPUR, DIST.
SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with S.T. No. 635/23 arising out of Kishanpur P.S. Case No. 127 of 2023 registered under Sections 30 (a) of the Bihar Prohibition and Excise Act, 2018 lodged on 01.06.2023 by the informant, Jitendra Kumar.

As per the prosecution story, the police raided the house of the petitioner and saw the vehicle parked and persons stand there was apprehended. However, the person of the vehicle escaped. A search was made and 1080 liters of Dilwale Sofi Nepali Liquors was/were recovered/seized. Accordingly, the FIR.



It is the case of the petitioner that neither the vehicle belongs to him nor he was present there only because the car was parked in front of his house, he has been implicated. Last submission is that police cannot claim that the person who ran away is the petitioner as he is/was 84 years old on the date of occurrence.

Considering the aforesaid submissions put forward by the learned counsel for the petitioner as also that the vehicle does not belong to him, he is an aged person and do not have criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court No. 01, Supaul in connection with S.T. No. 635/23 arising out of Kishanpur P.S. Case No. 127 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/her bail bond by the Trial court itself;

(iii) 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 his bail bonds;

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

(Rajiv Roy, J)

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