

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52158 of 2023

Arising Out of PS. Case No.-63 Year-2023 Thana- SIKTI District- Araria

RAFIQUE @ RAFIQUE ALAM SON OF LATE ALIMUDDIN@ AAMIN
SAHEB RESIDENT OF VILLAGE- SALGURI, PS- SIKTI, DISTT-
ARARIA, BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nishant Kumar Sinha, Advocate
For the Opposite Party/s : Mrs.Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Sikti P.S. Case No. 63 of 2023 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 7.3.2023 by the informant, Haresh Tiwari.

As per the prosecution story, the police intercepted the motorcycle and recovered/seized 107.100 ml. Nepali Umanga liquor. The person riding it, Madan Mandal was apprehended and he gave the name of person who escaped as Rafique.

The case of the petitioner is that he had given the motorcycle to Madan Mandal, who upon being apprehended by the police, named him. He is in custody since 12.5.2023 (para-



16 of the petition).

Learned APP opposes the prayer.

Taking into account the fact that the petitioner has not been apprehended first, the alleged recovery is from Madan Mandal and he is in custody since 12.5.2023, 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) with two sureties of like amount each to the satisfaction of learned Exclusive Spl. Judge Excise-II, Araria, in connection with Sikti P.S. Case No. 63 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 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 next 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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