

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56697 of 2023

Arising Out of PS. Case No.-131 Year-2023 Thana- KADWA District- Katihar

MD. JAHANGIR ALAM SON OF MD. KHALIL @ KHALIL RESIDENT
OF VILLAGE- GOGRA SAUA ,PS- SALMARI OP, DISTT- KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-08-2023 Heard the parties.

The petitioner is an accused in connection with Kadwa P.S. Case No. 131 of 2023 registered for the offences under section 30(a) of the Bihar Prohibition and Excise Act lodged on 23.06.2023 by the informant, Prem Prakash Sharma.

As per the prosecution story, a ‘tempo’ was intercepted and 52.35 litres of liquor was recovered/seized followed by the FIR.

It is the case of the petitioner that he is the driver of the said vehicle having no knowledge that the baggage loaded by the passenger has liquor in it for which he has already suffered by being in custody since 24.06.2023 (as stated in paragraph 10 of the bail application).

Learned APP for the State, on the other hand, opposes



the prayer for bail.

Taking into account the submissions put forward by the learned Counsel for the petitioner, his period of custody as also that he has no criminal antecedent, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Additional District and Sessions Judge-cum-Excise Act Court No. 2, Katihar in connection with Kadwa P.S. Case No. 131 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 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 his 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 the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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