

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56694 of 2023

Arising Out of PS. Case No.-258 Year-2023 Thana- PHULWARIYA District- Gopalganj

AAJAD SAH SON OF RAM SUBHAG SAH RESIDENT OF VILLAGE-
BADHEYAN, PS- MIRGANJ, DISTT- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Koshalendra Rai, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-08-2023

Heard the parties.

The petitioner is an accused in connection with Phulwariya P.S. Case No. 258 of 2023 registered for the offences under section 30(a) of the Bihar Prohibition and Excise Amendment Act lodged on 18.07.2023 by the informant, Prince Kumar.

As per the prosecution story, the allegation is that police found a motorcycle carrying a gunny bag and upon search, 9 litres country made liquor was recovered/seized further from another car coming from U.P., 171 litres of country made liquor was recovered/seized. This followed the FIR and the arrest.

It is the case of the petitioner that he was a mere passenger in the car, neither the driver nor the owner for which



he has already suffered by being in custody since 19.07.2023 (as stated in paragraph 1 of the bail application).

Learned APP for the State, on the other hand, opposes the prayer for bail stating that he has criminal antecedent of same nature.

Taking into account the fact that he is neither the driver nor the owner of the car, there has been recovery from the car and nothing from his conscious possession, 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 Sessions Judge-2 cum Special Judge Excise-I, Gopalganj in connection with Phulwariya P.S. Case No. 258 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 month for next one year 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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