

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56628 of 2023

Arising Out of PS. Case No.-356 Year-2023 Thana- MADHAURAH District- Saran

Naushad Ali @ Naushad Alam S/O Rustam Ali @ Rustam Alam R/O Village-
Vikrampur, P.S- Marhawrah, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avnish Kumar Singh
For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-08-2023 Heard the learned counsel for the petitioner and the

State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Marhawrah, P.S. Case No. 356 of 2023
registered for the offences punishable under Sections 30 (a) of
the Bihar Prohibition & Excise Act, 2016.

3. As per allegation, 178.53 liter of liquor has been
recovered from the shed of the accused.

4. Ld. counsel for the petitioner submits that the
Petitioner is innocent and has falsely been implicated in this
case. He further submits that this case against the petitioner is
based only on suspicion and there is no legal material against
the petitioner to implicate him in this case. He also submits that
neither the petitioner was arrested on the spot nor any recovery



of liquor has been made from the petitioner. Hence, the present anticipatory bail petition is maintainable.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier for anticipatory bail in this case.

6. It has further been stated that the petitioner has been made accused in one more case.

7. However, the Ld. APP for the State has vehemently opposed the prayer of the Petitioner for bail.

8. In view of the aforesaid facts and circumstances, no *prima facie* case is made out against the petitioner for want of cogent legal material against him.

9. Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. 2Nd Exclusive Special Excise Judge, Saran at Chapra, in connection with Marhawrah, P.S. Case No. 356 of 2023, subject to the conditions as laid down



under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has concealed his criminal antecedent, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. Court below shall cancel the bail bond of the petitioner.

(iii) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

10. Ld. counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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