

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57479 of 2023

Arising Out of PS. Case No.-288 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

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MOHAMMAD ALLAUDIN S/O ISLAMUDDIN @ MD. ISAMUDDIN R/O
VILLAGE- REWARI, PS. AARARIA U.P. (JHANJHARPUR), DIST.
MADHUBANI Petitioner/s

Versus

The State of Bihar BIHAR Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 31-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Sadar P.S. Case No. 288 of 2023 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 1.5.2023 by the informant, Arun Kumar Tiwari.

As per the prosecution story, the allegation is that from the Scorpio, the recovery made is of 900 liters of Nepali liquor. The accused persons however successfully escaped. Accordingly, the FIR.

It is the case of the petitioner that he had purchased the Scorpio and handed over to the driver for freight purpose and had no knowledge about the alleged act. He is a business man, has nothing to do with such matters, is in custody since 22.6.2023 (para-14 of the petition). It is his further contention that irrespective of the outcome of the present case and/or



accepting the allegation, the petitioner intends to contribute Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant after checking the credential.

Learned APP opposes the prayer stating that he has criminal antecedent.

Considering the fact that though the recovery is from the vehicle, the petitioner claims to be the owner, those driving the vehicle escaped, is in custody since 22.6.2023, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioners to be paid by Demand Draft of local SBI to be submitted to the trial Court and handed over to the informant after checking credentials.

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 Special Judge-1, Excise Act, Darbhanga, in connection with Sadar P.S. Case No. 288 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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