

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59469 of 2022

Arising Out of PS. Case No.-36 Year-2022 Thana- JALE District- Darbhanga

MD. BASIRUDDIN HAIDER @ LAL BABU Son of Late Md. Izharul
Haque Resident of Village- Gadha, P.S.- Pupri, District- Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa

For the Opposite Party/s : Mr. Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 13-01-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Jale
P.S. Case No. 36 of 2022, registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act, 2016.

As per allegation total 990 liters Nepali liquor was
recovered from a van bearing Registration No. BR 06PC
2966.

Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that nothing has been recovered



from the conscious possession of the petitioner. He also submits that the petitioner is only the driver of the vehicle and he is not aware of the content of the material which is loaded in the said vehicle. He further submits that search and seizure has not been made as per the procedure as prescribed under Section 100 Cr. P.C.

He further submits that the petitioner has been languishing in jail since 05.04.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail 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 Ld. Exclusive



Special Judge-1 (Excise Act), Darbhanga, in connection with
Jale P.S. Case No. 36 of 2022, on the following conditions:

(i) The petitioner will make himself available for
interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that
investigation/trial will not hamper on account of his absence
or non-cooperation. He must be available to the police or the
court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly
make any inducement, threat or promise to any person
acquainted with the facts of the case so as to dissuade him
from disclosing such facts to the court or to any police
officer.

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

(v) 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 bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, 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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