

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62436 of 2022

Arising Out of PS. Case No.-380 Year-2021 Thana- BAISI District- Purnia

MD. MANJAR ALAM S/O LATE MANSUR ALAM @ LATE MD.
MANSUR ALAM R/o- Buari, P.S.- Dagarua, District- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim

For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Supplementary Baisi P.S. Case No. 380/2021 registered for the
offences punishable under Sections 414, 272, 273 of the Indian
Penal Code and Sections 30(a), 41 and 47 of the Bihar
Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery of
total 389.245 liters foreign liquor from Mahindra XUV500
vehicle in question.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner is not named in the FIR and he is alleged to
be owner of the said vehicle. Nothing has been recovered from



the conscious possession of the petitioner and the petitioner had no knowledge about the liquor being transported in his vehicle. The petitioner is languishing in custody since 21.08.2022 and bears no criminal antecedent. He further submits that apprehended co-accused Md. Ahmad has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.9804/2022 and the case of present petitioner stands on better footing. Seizure list has not been prepared as per law.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, petitioner was not apprehended on the spot and keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, Court No.01, Purnea in connection with Supplementary Baisi P.S. Case No. 380/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother



or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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