

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65345 of 2023**

Arising Out of PS. Case No.-178 Year-2023 Thana- KORHA District- Katihar

SADDAM HUSSAIN @ MD. SADDAM SON OF MD. IBRAR ALAM  
MOHALLA- BHARSIA (JHAGRUCHAK), PS- FALKA, DIST- KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pawan Kumar Singh  
For the Opposite Party/s : Mr.Brajendra Nath Pandey

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      13-10-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner has prayed for bail in a case registered  
for the offence punishable under Section 30(a) of the Bihar  
Prohibition and Excise Amendment Act.

Prosecution case relates to recovery of total 50 liters of  
country made wine from a motorcycle which was driving by co-  
accused Shiv Kumar Maraiya.

Learned counsel appearing on behalf of the petitioner  
has submitted that petitioner is innocent and has committed no  
offence. He has falsely been implicated in this case only on the  
basis of suspicion. The petitioner is not named in the F.I.R. rather  
his name has come in this case during course of investigation only  
on the ground that he is registered owner of the alleged seized  
vehicle in question. Being a friend of the petitioner the F.I.R.



named apprehended co-accused demanded motorcycle of the petitioner for treatment of his mother and only with a sympathetic view he handed over his motorcycle to his friend. He has no concern with the alleged recovery of liquor. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. Provision of Section 100 Cr.P.C. has not been followed by the police personnel while preparing the seizure list. Petitioner has got no criminal antecedent and languishing in judicial custody since 20.08.2023.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-cum-Exclusive Excise (Special) Judge, Court No.2, Katihar in connection with Korha P.S. Case No. 178 of 2023.

**(Sunil Kumar Panwar, J)**

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