

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66561 of 2022

Arising Out of PS. Case No.-79 Year-2022 Thana- PIPRA District- Patna

MD. MAKSOOD ALAM, Son of Md. Mumtazuddin, Resident of Thalpura,
P.S- Masauri, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-02-2023 Today being Friday, matters are being taken up through virtual mode, as per current procedure for hearing.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in connection with Special Case No. 5704 of 2022 (arising out of Pipra P.S. Case No. 79 of 2022) registered under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

Learned counsel for the petitioner submits that having fair antecedents, petitioner is in custody since 12.09.2022 on account of false implication.

The prosecution alleges recovery of 30 litres country-made liquor from the petitioner along with co-accused Pintu, while they were moving on a motorcycle. It is further alleged that they have indicated an approaching *Maruti* vehicle also to flee away and from the said vehicle, there is recovery of 180 litres illicit liquor.

Learned counsel for the petitioner submits that recovery,



attributed from the co-possession of petitioner with co-accused Pintu, is 30 litres. The same is false. There is no such recovery has occurred and on extraneous considerations, petitioner has been implicated. Investigation is complete. Recovery is denied and disputed and is not in accordance with law.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, manner of implication, quantum of recovery, period of custody, fair antecedent and the fact that investigation is complete, this Court is inclined to allow the petitioner's prayer for bail. Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in Special Case No. 5704 of 2022 (arising out of Pipra P.S. Case No. 79 of 2022), subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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