

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68907 of 2023

Arising Out of PS. Case No.-769 Year-2023 Thana- Excise P.S. District- Gopalganj

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IMAM HUSSAIN Son of Late Qyamuddin Mian RESIDENT OF VILLAGE
MIRALIPUR PS THAWE DISTRICT GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhramveer

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 19-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Excise
P.S. Case No. 769 of 2023 registered for the offences punishable
under Section 30(a) of Bihar Prohibition and Excise
Amendment Act, 2018.

3. As per prosecution case, 216 litre country made
liquor was recovered from Honda Civic Car in question which
was being driven by the petitioner and petitioner apprehended
on the spot.

4. Learned counsel for the petitioner submits that
petitioner is quite innocent and has not committed any offence
as alleged in the FIR and he has falsely been implicated in this
case. Learned counsel orally submits that petitioner is not owner



of the vehicle in question rather he is merely driver of the said vehicle and he has to follow the instruction of his owner to earn the livelihood. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner has nothing to do with the alleged recovery. Petitioner has no knowledge regarding the alleged liquor that has been kept in the vehicle in question. Petitioner is in custody since 31.07.2023. Learned counsel submits through supplementary affidavit that petitioner bears criminal antecedent of one case in which he is on bail. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV-cum Exclusive Special Excise Court-II, Gopalganj in connection with Excise P.S. Case



No. 769 of 2023, 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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