

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78075 of 2023

Arising Out of PS. Case No.-492 Year-2023 Thana- GARDANIBAG District- Patna

Md. Faizan @ Faizan Son Of Md. Ali Ahmad Khan @ Ali Ahmad Khan
Resident Of Village - Motipur, P.S. - Rosera, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate
For the Opposite Party/s : Mr. Rita Verma, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 07-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Gardanibagh P.S. case No. 492 of 2023 instituted for the
offences under Sections 30(a), 36, 32(2)(3) and 41(i) (ii) of the
Bihar Prohibition and Excise Act.

3. Prosecution allegation, in short, is that total 720
litres of Indian made foreign liquor was recovered from the
pickup van and one person was apprehended on the spot who
disclosed his name as Md. Faizan (this petitioner).

4. It has been submitted on behalf of the petitioner that



the petitioner is in custody since 11.07.2023 and has no criminal antecedent. The petitioner has falsely been implicated in the present case. He further submitted that the petitioner is the driver of the public carrier vehicle and has no concern with the vehicle or the recovered liquor. It is further submitted by the learned counsel for the petitioner that there is no chance of tampering the evidence or absconding by the petitioner. Nothing incriminating has been recovered from the conscious possession of the petitioner.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Court below/concerned Court in connection with Gardanibagh P.S. case No. 492 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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