

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73502 of 2023

Arising Out of PS. Case No.-120 Year-2023 Thana- KOCHADHAMAN District- Kishanganj

MD. KALAM @ KALAM Son of Astab Ali R/o Village - Pahusara Ward
No.- 1, P.S.- Raniganj, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-11-2023

Heard the parties.

2. The petitioner is an accused in connection with Special Case No. 263 of 2023 arising out of Kochadhaman P.S. Case No. 120 of 2023 registered for the offences under sections 30(a), 32, 41 and 47 of the Bihar Prohibition and Excise Act lodged on 07.05.2023 by the informant, Veer Prakash Singh.

3. As per the prosecution story, the police upon information intercepted Sumo Grand and Wagon-R and recovered/seized 69 litres and 48 litres of foreign liquor. This followed the seizure, arrest, FIR.

4. Learned Counsel for the petitioner submits that he was seating in the rear seat of the Wagon-R little realizing that the car is carrying the illegal liquor for which he has already suffered by being in custody since 08.05.2023 (as stated in



paragraph 12 of the bail application).

5. Learned APP for the State, on the other hand, opposes the prayer for bail stating that he has criminal antecedent.

6. Taking into account the fact that he does not own the car, has remained in custody since 08.05.2023, FIR lodged and ultimately will face the trial, this Court is inclined to extend him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Additional District Judge-II-Cum-Special Judge (Excise-I), Kishanganj in connection with Special Case No. 263 of 2023 arising out of Kochadhaman P.S. Case No. 120 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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