

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 76945 of 2023

Arising Out of PS. Case No.-78 Year-2022 Thana- KALYANPUR District- Samastipur

ANWAR AHMAD S/O MD. NAZIM RESIDENT OF VILLAGE-
KATHALLYA, P.S- SINGHWARA, DISTT.- DARBHANGA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh

For the Opposite Party/s : Mr.Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Kalyanpur P.S. Case No. 78 of 2022 registered for the offences punishable under Sections 30(a), 32(iii), 36, 41(i) of the Bihar Prohibition and Excise (Amendment) Excise Act, 2018.

As per prosecution case, 3522.96 litre foreign liquor was recovered from truck in question. Two persons who were associated with the alleged occurrence, succeeded in fleeing away from the spot.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner is not named in FIR and his name has been surfaced



as the owner of truck in question. From annexure-3, it is evident that the petitioner gave the truck to co-accused Anand Kumar from 08.10.2021 to 08.04.2022 for monthly rental amount of Rs. 60,000/-. The truck in question was driven by co-accused Anand Kumar and petitioner has no knowledge about the alleged recovery. It is further submitted that except being owner of the truck in question, there is nothing on record to connect the present petitioner with the alleged occurrence. Basically no incriminating article has been recovered from conscious possession of the petitioner and there is no compliance of section 100 of the Cr.P.C. Petitioner bears no criminal antecedent. Petitioner is in custody since 27.09.2023. Learned counsel orally submits that chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, petitioner is not apprehended on spot, 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 Special Excise Court-I, Samastipur, District-Samastipur in connection with Kalyanpur P.S. Case No. 78 of 2022, subject to the 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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