

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79831 of 2023

Arising Out of PS. Case No.-189 Year-2023 Thana- PRANPUR District- Katihar

MD. SAHIL SON OF MD. JULFKAR R/O ISLAMPUR, WARD NO. 46,
P.S.- NAGAR, DIST.-KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-12-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Pranpur (Roshna) P.S. Case No. 189/2023 registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act.

As per prosecution case, during course of vehicle
checking, 20.775 litre foreign liquor was recovered from toto
vehicle in question which was being driven by the petitioner and
he apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR. It is further submitted that merely on basis of
suspicion, petitioner has falsely been implicated in this present



case. Except suspicion, there is nothing on record to connect the petitioner with the alleged occurrence. Learned counsel orally submits that the vehicle in question belongs to father of the petitioner. Petitioner has no knowledge about the alleged liquor kept in the said vehicle. No incriminating article has been recovered from conscious possession of the petitioner. It is further submitted that seizure list has not been made as per law. Petitioner is in custody since 27.09.2023. Petitioner bears no criminal antecedent.

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, 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 Exclusive Excise Court No-2, Katihar in connection with Pranpur (Roshna) P.S. Case No. 189/2023 , 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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