

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6933 of 2024**

Arising Out of PS. Case No.-401 Year-2023 Thana- AAJAM NAGAR District- Katihar

MD. SADDAM @ SADDAM @ SADAM SON OF SHEKH JINNAT  
Resident of Village - Dhabaul, P.S. - Pranpur, District - Katihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Md Musowir  
For the Opposite Party/s : Mr.Rajesh Kumar

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      09-02-2024                      Heard learned counsel for the petitioner and  
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Azamnagar P.S. Case No. 401 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 66 litre foreign liquor was recovered from e-rickshaw in question and petitioner was apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is neither driver nor owner of the said e-rickshaw in question. He is merely a passenger of the said e-rickshaw. Petitioner was apprehended on the spot on the basis of suspicion. Except suspicion, there is nothing on record to



demonstrate the complicity of the petitioner with the alleged occurrence. No incriminating article has been recovered from the possession of the petitioner. Petitioner is in custody since 12.11.2023 and bears no criminal antecedent. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. and he has falsely been implicated in the present case.

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, keeping in view clean antecedent of 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 A.D.J. Exclusive, Special Judge, Excise Court No. 2, Katihar in connection with Azamnagar P.S. Case No. 401 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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