

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4838 of 2024

Arising Out of PS. Case No.-423 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

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MD. SITARE @ MD. SITARE ALAM @ MD. JAVED SON OF MD.
BADRE ALAM RESIDENT OF VILLAGE - SAHBAJPUR KARHATIYA,
P.S. - SADAR (MABBI O.P.), DISTRICT - DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nawal Kishor Prasad

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-02-2024 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with Sadar
(Mabbi O.P.) P.S. Case No. 423 of 2023 registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, informant got secret
information that petitioner and other were transporting illicit
liquor and during the course of vehicle checking, 156.600 litre
foreign liquor was recovered from a pick up van in question. It
is further alleged that 2-3 unknown persons succeeded in fleeing
away from the said pick up van.

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 neither owner nor driver of the vehicle in question and he has no knowledge about the illicit liquor kept in the said vehicle. Basically no incriminating article has been recovered from the conscious possession of the petitioner. Petitioner was not apprehended on spot and his name has surfaced in the present case on basis of secret information and the source of secret information has not been divulged in the FIR. Seizure list has not been made as per law. Petitioner is in custody since 24.11.2023. Learned counsel orally submits that charge sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. 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, petitioner was 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 Judge-I, (Excise Act), Darbhanga in connection with Sadar (Mabbi O.P.) P.S. Case No. 423 of 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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