

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5945 of 2024

Arising Out of PS. Case No.-663 Year-2023 Thana- Excise P.S. District- Buxar

Fatteh Alam @ Fatte Alam @ Fate Alam Son of Late Hanif Miyan R/o vill -
Ballia, P.S. - Maharajganj, Distt. - Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brajesh Kumar Singh

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Excise
(Buxar) P.S. Case No. 663 of 2023 registered for the offences
punishable under Section 30(a) of Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. As per prosecution case, 3519.720 litre foreign
liquor was recovered from the truck in question which was
being driven by the petitioner and he was apprehended on the
spot.

4. Learned counsel for the petitioner submits that
petitioner is quite innocent and has not committed any offence
as alleged in the FIR and he has falsely been implicated in this
case. He further submits that from perusal of the FIR it is clear



that owner book of said truck has not been transferred in the name of the petitioner. He further submits that seizure list has been prepared on 24.09.2023 at 2:00 PM and FIR has been registered on the same day at 5:00 PM but it is surprising that prior to lodging the FIR, P.S. case number has been mentioned in the seizure list which creates doubt about the genuineness of the prosecution story. Petitioner is in custody since 25.09.2023 and bears no criminal antecedent. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner has nothing to do with the alleged recovery of liquor.

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 Special Excise Court No. 2, Buxar in connection with Excise (Buxar) P.S. Case No. 663 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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