

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29364 of 2024

Arising Out of PS. Case No.-606 Year-2022 Thana- ARARIA District- Araria

Muktadir @ Muktadur Rahman @ Muktadir Rahman Son Of Ajail Haque @
Ajail Haque Resident Of Village - Borokalia Pokarganj, P.O. - Fakirganj, P.S.
- Pokarganj, District - Salmar Dhubri (DHOPRI), State - Assam

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 07-05-2024 Heard Ld. counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail in connection with Araria P.S. Case No. 606 of 2022, dated 17.07.2022 registered for the offences punishable under Sections 467, 468, 420 of the Indian Penal Code and Sections 30(a), 32(1)(2), 36 and 41(1)(2) of the Bihar Prohibition and Excise Act, 2016.

3. As per allegation total 3294 liters illicit liquor was recovered from a truck bearing Registration No. WB73G-0127.

4. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also



submits that similarly situated co-accused persons have already been enlarged on bail by this Court *vide* order dated 06.01.2023 passed in Cr. Misc. Nos. 63115 of 2022 and 69028 of 2022. He further submits that the petitioner has been languishing in jail since 17.07.2022.

5. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has one criminal antecedent.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier, either for anticipatory bail or regular one.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

8. Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Exclusive Special Judge, Excise-1, Araria, in connection with Araria P.S. Case No. 606 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/Court as and when



required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the Court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, the Ld. Court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the Court below that statement regarding previous bail petition is wrong, the Ld. Court below shall cancel the bail bond of the petitioner.

(Jitendra Kumar, J.)

Shoaib/ Ravi
Shankar-

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