

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35766 of 2024

Arising Out of PS. Case No.-413 Year-2022 Thana- DARIYAPUR District- Saran

Muslim Miyan @ Mohamad Muslim Son of Late Md. Hasan Resident of
Village - Pojhi, P.S.- Derni, Distt.- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Advocate

For the State : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 17-05-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks regular bail in connection with
Dariyapur P.S. Case No. 413 of 2022, dated 18.07.2022,
registered for the offences punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.

3. As per allegation, total 125 liter of country made
liquor has been recovered from a motorcycle.

4. Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that the Petitioner is not the owner of
the motorcycle wherefrom illegal liquor has been recovered
because the motorcycle was already sold by him to another
person prior to alleged date of commission of the offence. He
further submits that he is no way involved in the alleged
occurrence.



5. The petitioner has been languishing in jail since 01.04.2024.

6. It is also stated in paragraph no. 2 of the petition that the petitioner has never moved this Court for grant of anticipatory bail or regular bail.

7. It has further been stated in paragraph no.3 of the petition that the petitioner has no criminal antecedent.

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

9. Considering the aforesaid facts and circumstances, **the petition 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. Additional District and Sessions Judge-II-cum-Ist Exclusive Special Judge, Excise, Saran at Chapra in connection with Dariyapur P.S. Case No. 413 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 get hampered 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 him 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 learned 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, Ld. court below shall cancel the bail bond of the petitioner.

(Jitendra Kumar, J)

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