

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37099 of 2024

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

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Md. Gulab S/o Late Md. Basir R/o vill - Bishanpur, P.s. - Kathra, Distt. -
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhumala Kumari
For the Opposite Party/s : Mr.Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2024 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 Section 30(a) of the Bihar Prohibition
and Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery
of 156.600 litre foreign liquor 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. Petitioner is said to have
committed the alleged offence.

Learned counsel of the petitioner submits that
petitioner is innocent and has committed no offence as alleged



in the FIR. Petitioner is not apprehended on spot. Basically no incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is neither owner nor driver of the said vehicle in question. Petitioner is in the custody since 24.11.2023. Petitioner having clean antecedent and similarly situated co-accused Md. Sitare @ Md. Sitare Alam has already been granted bail by court vide criminal miscellaneous no. 4838 of 2024 and on the principal of parity, petitioner deserves same treatment.

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 petitioner, co-accused has already been granted bail, petitioner is not apprehended on spot, charge-sheet has been submitted and there is no likelihood of tampering with the prosecution evidence, 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, Exclusive Excise Act-1st Darbhanga, in connection with



Sadar (Mabbi O.P) P.S. Case No. 423 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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