

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40216 of 2024

Arising Out of PS. Case No.-171 Year-2023 Thana- KHAJAULI District- Madhubani

Md. Nizam Alam @ Nizam Alam S/o Md. Diljan RESIDENT OF GONHA,
GOUHA, PS TRIVENIGANJ, DISTT. - SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Majid Mahboob Khan, Advocate

For the Opposite Party/s : Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 01-07-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 272, 273 and 34 of the IPC and 30(a) of the Bihar Prohibition and Excise Act in connection with Khajauli P.S. Case No.171 of 2023.

3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 14 liters of liquor from a motorcycle.

4. It is next submitted that petitioner was not arrested from the spot as such nothing was recovered from his conscious



possession and he came to be implicated based on the fact that he is owner of the motorcycle. It is next submitted that no prudent person would use his own vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is also submitted that petitioner was completely unaware that his friend would misuse the vehicle in the manner as alleged.

5. The learned APP for the State opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned ADJ,Ind-cum-Special Judge Excise Act, Madhubani in connection with Khajauli P.S. Case No.171 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. It is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is



found that petitioner has antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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