

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39157 of 2024

Arising Out of PS. Case No.-208 Year-2020 Thana- ARARIA District- Araria

Md. Sajjad @ Badsah @ Md Sajjad Alam S/O Late Md Kalam R/O Village-
Khuski Bagh, P.S- Sadar, Distt.- Purnea At Present Residing At Mohalla Line
Bazar Muzaffar Ahmad Nagar, P.S- K. Hat (sahayak), Distt.- Purnea.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Araria (Bairgacchi) P.S. Case No. 208 of 2020, lodged on
09.03.2020 under Sections 30(a), 38 of the Bihar Prohibition
and Excise Act, 2016.

3. As per the prosecution case, FIR has been lodged
against five named accused persons including the present
petitioner. Total 891 *litres* of illicit liquor has been recovered
which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that nothing has been recovered from the



possession of the petitioner save and except, the co-accused has discloses a mobile number due to which the Investigating Officer has inserted the name of the petitioner in the present case. Counsel further submits that the criminal antecedent of the petitioner is not clean and there are four criminal cases pending against him. The petitioner is in custody since 24.01.2024 in the present case.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the criminal antecedent of the petitioner is not clean and this aspect must be taken into consideration while considering the bail application of the petitioner.

6. In the present facts and circumstances of this case and the submissions made above, **let the petitioner above named be granted bail, but only after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-1, Araria in connection with Araria (Bairgacchi) P.S. Case No. 208 of 2020, subject to the conditions as laid down U/s 437(3) Cr.P.C.

7. However, the petitioner shall be granted bail only



on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are as follows:-

- (I)- Dagrua P.S. Case No. 06 of 2018.
- (II)- K.Hat (Sahayak) P.S. Case No. 366 of 2019
- (III)- K.Hat (Maranga) P.S. Case No. 927 of 2023.
- (IV)- Baisi P.S. Case No.95 of 2019.

(Dr. Anshuman, J.)

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