

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53328 of 2024

Arising Out of PS. Case No.-404 Year-2024 Thana- ALAMGANJ District- Patna

Md. Muslim Son of Md. Israel @ Md. Israfil R/o- Loharva Ghat, P.S.-
Alamganj, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 23-10-2024 Heard Mr. A.K. Pradhan, learned counsel for the
petitioner and learned counsel for the State.

2. The petitioner is in custody in connection with
Alamganj P.S. Case No. 404 of 2024 for the offence under
Sections 30(a)/32 of the Bihar Prohibition and Excise
(Amendment) Act, 2022 lodged on 18.05.2024 by the informant,
Viddha Rani.

3. As per the prosecution story, the informant alleged
that during morning patrolling duty, upon secret information of
this petitioner selling Mahua, raided the place and though the
accused managed to escape, there is recovery of 250 liters of
country made Mahua from Activa Scooty. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that
neither he has been arrested from the spot nor anything



recovered from his conscious possession. Even the scooty from which the said recovery has been alleged, does not belong to him rather it is registered in the name of Shubham Kumar Sinha. Though, he concede that he has criminal antecedent.

5. Learned APP opposes the prayer for bail submitting that upon secret information that this petitioner is selling Mahua, the raid took place and there is also recovery/seizure.

6. Considering the aforesaid submission as also the fact that the scooty does not belong to him, nothing has been recovered from his conscious possession and he is in custody since 20.06.2024 (para-13 of the petition), this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge Excise, Patna City in connection with Alamganj P.S. Case No. 404 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and the failure to do so for two



consecutive dates without plausible reason will entail
cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned
police station every month for next one year to mark his
attendance;

(iv) the petitioner shall in no way try to induce or
promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of bail bond.

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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