

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51498 of 2024

Arising Out of PS. Case No.-750 Year-2023 Thana- AGAMKUAN District- Patna

Md. Imteyaz @ Md. Imtiyaz S/O Mumtaj Alam Resident Of Vill-Daud Bigha,
Bhootnath Road, Police Station-Patnakarnagar And Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate
For the State : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-08-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Agamkuan P.S. Case No. 750 of 2023 for the offence under Section 30(a) of Bihar Prohibition & Excise Act lodged on 29.07.2023 by the informant, Satyendra Kumar Singh.

3. As per the prosecution story, the informant alleged that a tempo was intercepted near the new by-pass road, Mukesh Kumar (tempor driver) and Avinash Kumar were apprehended and 61.905 liters foreign liquors/seized, they gave the name of one Rocky to whom the delivery was to be made. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that he has nothing to do with the alleged recovery/seized and is not the



person (Rocky) who gave the seized illegal liquor for delivery. The only fact is that he is the owner of the said vehicle which was given to the driver for plying on the State capital and in that way he got implicated.

5. Learned APP opposes the prayer submitting that he owns the vehicle.

6. Considering the aforesaid submissions put forward by the parties as also that recovery/seizure has been made from Mukesh Kumar and Avinash Kumar and the delivery of the recovered/seized illicit liquor was made by one Rocky, this petitioner is only an owner and he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge Excise, Patna City, in connection with Agamkuan P.S. Case No. 750 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with 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/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and 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 fortnight for next six months 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 the bail bonds;

(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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