

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59972 of 2024

Arising Out of PS. Case No.-87 Year-2024 Thana- FULKAHA District- Araria

Md. Sabir Son of Md. Mofil @ Md. Mofil Miyan Resident of Balua Bazar,
Ward No.5, P.S. -Balua Bazar, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shivam Gupta
		Mr. Saket Tiwary
For the Opposite Party/s	:	Mr. Nand Kumar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 28-08-2024 Heard Mr. Shivam Gupta, learned Advocate for the petitioner and learned Additional Public Prosecutor for the State.

2. This is an application for grant of bail to the petitioner, who is in custody in connection with Falkaha P.S. Case No. 87 of 2024, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. In course of patrolling duty, the police intercepted a motorcycle bearing Chassis No. MD625AK29P3G00874. On search, total 45 litres countrymade liquor was recovered. The apprehended person disclosed the name of the petitioner as the owner of the motorcycle.

4. Learned Advocate for the petitioner contended that the name of the petitioner has been implicated in this case only on account of he being the owner of the vehicle, save and except



the aforesaid fact, there is no material suggesting complicity of the petitioner in the present crime. The petitioner bears fair antecedent and prior to institution of the case, he has never been involved in such crime. It is next contended that on the alleged date of occurrence, the motorcycle was taken by one of his neighbours and he was not knowing this fact that his motorcycle shall be used for any illicit purpose; That apart there is other infirmity in search and seizure and the witnesses are none else but the police personnel. The petitioner is in custody since 29.06.2024.

5. On the other hand, learned APP for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has been implicated in this case, on account of he being the owner of the vehicle, coupled with the infirmity in the search and seizure and the petitioner having fair antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-2, Araria in connection with Falkaha P.S. Case No. 87 of 2024, subject to the condition that one of the



bailors shall be the own/close family members of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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