

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65016 of 2024

Arising Out of PS. Case No.-136 Year-2024 Thana- CHAUTHAM District- Khagaria

1. Md. Arif @ Arif Alam son of Md. Sultan Resident Of Village- Therwapur, Ps- Chautham, Dist- khagaria
2. Md. Sultan Miyan @ Sultan Uddin son of Late Wahid Uddin Resident Of Village- Therwapur, Ps- Chautham, Dist- khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Kishor Poddar, Advocate
For the Opposite Party/s : Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-10-2024 At the outset, learned counsel for the petitioner submits that petitioner no.2 Md. Sultan Miyan died during the pendency of this case on 22.08.2024 and as such so far as the case of the petitioner no.2 is concerned, the same becomes infructuous.

2. Heard the parties.

3. The petitioner no.1 Md. Arif @ Arif Alam is apprehending arrest in connection with Chautham P.S. Case No. 136 of 2024 instituted under Sections 30(a)/37 of Bihar Prohibition and Excise Amendment Act, 2018 lodged on 18.05.2024 by the informant, Satyavrat Singh.

3. As per the prosecution story, the informant alleged that on the basis of secret information, the house of Sultan Miyan was raided though the accused managed to escape, Md. Naushad Alam and Md. Sattar Alam both sons of Md. Sultan



Miyan were arrested and total nine liters of country made liquor recovered/seized.

4. Learned counsel for the petitioner no.1 Arif Alam submits that neither there has been any recovery from his possession nor there is anything to implicate him. Further, he do not have criminal antecedent.

5. Learned APP opposes the prayer.

6. Taking into account the aforesaid facts as also that the house of the Sultan Miyan was raided who is now no more, two other sons were already taken into custody, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner no.1 Md. Arif @ Arif Alam be released on bail, in the event of his arrest or surrender before the subordinate court 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 the like amount each in connection with Chautham P.S. Case No. 136 of 2024 to the satisfaction of learned Exclusive Special Excise Judge-1st, Khagaria subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner no.1 Md. Arif @ Arif Alam



who shall provide official document to show his/her bona fide;

(ii) the petitioner no.1 Md. Arif @ Arif Alam 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 no.1 Md. Arif @ Arif Alam shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iii) the petitioner no.1 Md. Arif @ Arif Alam shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner no.1 Md. Arif @ Arif Alam 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 no.1 Md. Arif @ Arif Alam 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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