

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67552 of 2024

Arising Out of PS. Case No.-658 Year-2024 Thana- Excise P.S. District- Aurangabad

Md. Sarbati @ Md. Sobrati @ Md. Sabrati Son of Md. Taslim Resident of Village- Sonsa, Tenua Tola, P.S.- Mahe Singhia, Distt.- Samastipur, Presently residing at House No. 881, Gali no. 1, Malgarh, P.S.- Malgarh, Distt. Sonipat (Haryana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate

For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-09-2024 Heard Mr. Mukesh Kumar Jha, learned counsel for the petitioner and Dr. Mrityunjaya Kr. Gautam, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 08.07.2024, in connection with Aurangabad Excise P.S. Case No. 658 of 2024, corresponding to G.R. No. 1197 of 2024, F.I.R. dated 07.07.2024 registered for the offences punishable under Sections 30(a), 32(3), 41(1), 41(2) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

3. The case relates to recovery of 351 litres of different brand of foreign liquor.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R.



that nothing has been recovered from the conscious possession of the petitioner rather recovery has been made from Zylo car bearing no. BR-01PB-8272 and as per allegation in the F.I.R. the petitioner is stated to be the driver of the vehicle in question. Learned counsel for the petitioner further submits that nothing has been recovered from the conscious possession of the petitioner and altogether 351 litres of foreign liquor was recovered from the vehicle in question. The petitioner is in custody since 08.07.2024.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case of similar nature but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the facts and circumstances of the case and the fact that nothing has recovered from the conscious possession of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Aurangabad in connection with Aurangabad Excise P.S. Case No. 658 of 2024, corresponding to G.R. No. 1197 of 2024, subject to the following conditions :-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that 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 antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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