

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67522 of 2024

Arising Out of PS. Case No.-238 Year-2024 Thana- JOKIHAT District- Araria

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Akinur Ali S/o Manowar Hussain @ Manowar Ali Resident of Village-
Bhijapara, Police Station- Dhubri, District- Dhubri, Assam

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-09-2024 Heard Mr. Nilendu Kumar Choudhary, learned
counsel for the petitioner and Mr. Ram Sevak Choudhary,
learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
04.07.2024 in connection with Jokihat P.S. Case No. 238 of
2024, F.I.R. dated 04.07.2024 for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. Recovery is of 1329.255 liters of foreign liquor.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears
from the F.I.R. that altogether 1329.255 liters of foreign made
liquor has been recovered from the truck in question. He further
submits that the petitioner along with other accused persons



were apprehended at the place of occurrence. The petitioner is in custody since 04.07.2024.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and nothing has been 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-2, Araria in connection with Jokihat P.S. Case No. 238 of 2024, subject to the following conditions:-

i. One of the bailors shall be the father of the petitioner, namely, Manowar Hussain @ Manowar Ali.

ii. 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.

iii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



iv. 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 antecedent, 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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