

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73017 of 2024

Arising Out of PS. Case No.-118 Year-2024 Thana- ANDHRAMATH District- Madhubani

Md. Sahabuddin Son of Md. Tahir Resident of Village - Nirmali Ward No.-
12, P.S.- Nirmali, District - Supaul, Bihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pintu Kumar Patel, Advocate

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-10-2024 Learned counsel for the petitioner is permitted to make necessary correction in the provision of law under which the present bail petition has been filed, during the course of the day.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner seeks bail in connection with Andhramath P.S. Case No. 118 of 2024 registered for the offences punishable under Sections 274, 275/3 of the Bhartiya Nyay Sanhita and Section 30(A) of the Bihar Prohibition and Excise Act.

4. As per prosecution case, 159 litre illicit Nepali liquor was recovered from Scorpio car in question and petitioner alongwith others was apprehended on the spot.



5. Learned counsel for the petitioner submits that petitioner is not the owner of the seized vehicle in question. He further submits that petitioner being a passenger, has no knowledge regarding the alleged liquor that has been kept in the said vehicle in question. Petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. Petitioner has falsely been implicated in the present case merely on the basis of suspicion. Except suspicion, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. Petitioner is in custody since 10.07.2024 and bears no criminal antecedent. No incriminating article has been recovered from the conscious possession of the petitioner.

6. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

7. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 Excise Court, Jhanjharpur, Bihar in connection with



Andhramath P.S. Case No. 118 of 2024, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(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.

(Alok Kumar Pandey, J)

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