

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69506 of 2024

Arising Out of PS. Case No.-571 Year-2024 Thana- Excise P.S. District- Muzaffarpur

Md Jamal S/O MD. Kudus Miyan R/O Village-Gijas P.S. Jaitpur District-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Adv.

For the Opposite Party/s : Mr. Nitya Nand Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Excise P.S. Case No.571 of 2024, registered for the alleged offences under Section 30(a) of the Bihar Prohibition & Excise Act.

3. As per prosecution case, police received information about petitioner and other co-accused persons illegally storing illicit liquor near a peepal tree. A raid was conducted but no miscreant could be apprehended and 2-3 persons fled away from the spot. From the search of the place, recovery of 157.320 litres of illicit foreign liquor was made.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. Learned counsel submits that from the F.I.R. itself it is apparent that no offences under Section 30(a) of the Bihar Prohibition & Excise Act is made out against the petitioner as nothing incriminating has been recovered from person or possession of this petitioner. Even no one identified the petitioner as the person who fled away from the spot. Merely on the basis of information received by the police, the petitioner has been made accused in this case. Further, the petitioner has no concern either with the seized liquor or the place from where the recovery has been made and the said place is an open place and is accessible to all. The petitioner is in custody since 27.08.2024. Petitioner is having one criminal antecedent in which he is on bail.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that the petitioner is having antecedent of similar nature.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the distinct lack of material against the petitioner to show his involvement and further considering possibility of false implication and also the period of custody, the petitioner is



directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court-II, Muzaffarpur/concerned court, in connection with Excise P.S. Case No.571 of 2024, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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