

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70716 of 2024

Arising Out of PS. Case No.-130 Year-2024 Thana- TETERHAT District- Lakhisarai

Md. Samfaraj Son of Md. Imteyaz Resident of Village -Tisri, P.S.- Tisri,
District - Giridih (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-10-2024 As prayed for, learned counsel for the petitioner is permitted to make necessary correction in the provision of law under which the bail petition has been filed, during 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 Tetarhat P.S. Case No. 130 of 2024 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

4. As per prosecution case, 79.125 liters illicit liquor was recovered from the four wheeler in question which was being driven by the petitioner and petitioner apprehended on the spot.



5. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the first information report. Petitioner is not owner of the vehicle in question rather he is merely driver of said vehicle and he has to follow the instruction of his owner to earn the livelihood and he had no knowledge regarding illicit liquor kept in the vehicle. Petitioner bears no criminal antecedent and is in custody since 09.08.2024.

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, petitioner bears no criminal antecedent, argument advanced on behalf of both sides and 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) each with two sureties of the like amount each to the satisfaction of Additional District & Sessions Judge V-cum-Exclusive Special Excise Court II, Lakhisarai in connection with Tetarhat P.S. Case No. 130 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 tamper 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)

mcverma/-

U		T	
---	--	---	--

