

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73014 of 2024

Arising Out of PS. Case No.-274 Year-2024 Thana- BHELDI District- Saran

Md. Sarfraj @ Sarfraj Son of Md. Shabbir @ Md. Sabbir Village- Rahimpur
Rudauli, Ps- Muffasil, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr.Arun Kumar, 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 Bheldi P.S. Case No. 274 of 2024 registered for the offences punishable under Sections 223, 274, 275 of the B.N.S., 2023 and Sections 30(a), 32, 36, 47 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

4. As per prosecution case, 1114.560 litre foreign liquor was recovered from white colored Pick-up van in question. Apprehended co-accused Dharmendra Paswan (driver)



disclosed that the alleged liquor belongs to the petitioner and others. He further disclosed that petitioner alongwith others was nearby Goriyakothi. Thereafter, petitioner alongwith others was apprehended by the police at the place which was disclosed by the apprehended co-accused Dharmendra Paswan and Innova car was also seized.

5. Learned counsel for the petitioner submits that petitioner is not the owner of any of the seized vehicles in question. Petitioner is not in any way connected with the alleged occurrence. Basically, no incriminating article has been recovered from the possession of the petitioner. Petitioner has no knowledge that alleged illicit liquor was being carried in the said white colored Pick-up in question. Petitioner is in custody since 24.08.2024 and bears no criminal antecedent.

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 1st Exclusive Special Judge, Excise, Saran at Chapra in connection with Bheldi P.S. Case No. 274 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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