

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74434 of 2024

Arising Out of PS. Case No.-233 Year-2024 Thana- Excise P.S. District- Madhubani

Md. Nasruddin S/o- Md. Phulhasan Rayin Resident of village- Akaumnha PS-
Deodha District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Adv.
For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-10-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Madhubani Excise P.S. Case No. 233 of 2024 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 25.08.2024 by the informant, Md. Faisal.

3. As per the prosecution story, the informant alleged that during vehicle checking, a motorcycle was intercepted and there is recovery/seizure of 162 litres of illegal Nepali country made liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he does not own the motorcycle, is a labourer, was pillion rider, had no knowledge about the presence of liquor on the vehicle for which he has suffered being in custody since 26.08.2024



(para-12 of the petition). However, he concedes that the petitioner has criminal antecedent. The last submission is that irrespective of the outcome of the present case and or accepting the allegation he intends to pay Rs.10,000/- (Ten thousand) to the District Legal Services Authority, Madhubani (exclusively for the purchase of journals).

5. Learned APP opposes the prayer submitting that he has criminal antecedents.

6. Considering the submissions put forward by the parties as also the petitioner does not own the motorcycle, has remained in custody since 26.08.2024, FIR lodged, will be facing the trial, this Court is inclined to extend him the privilege of bail, subject to the payment of Rs. 10,000/- to the District Legal Services Authority, Madhubani (exclusively for the purchase of journals).

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-II-Cum-Special Judge, Excise Act, Madhubani in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member of



the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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