

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75781 of 2024

Arising Out of PS. Case No.-1278 Year-2024 Thana- Excise P.S. District- East Champaran

Md. Salauddin Miya son of Md. Moharram Mian @ Moharam Mian Village-
Singhia Gumti ,P.S-Banjaria ,District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-10-2024 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 (Motihari) P.S. Case No. 1278 of 2024, registered for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, recovery of 48 litre of country made foreign liquor was made from the petitioner which he was carrying in bags while commuting on a bus.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Recovery has been shown from two bags but those bags did not belong to this petitioner. The petitioner was apprehended merely on suspicion as the two bags



were lying nearby the petitioner's seat in the bus. The petitioner is in custody since 05.08.2024 and he has no criminal antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that there is doubt over recovery from the conscious possession of the petitioner and also considering his clean antecedent, 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 Exclusive Special, Excise Court No. 2, East Champaran, Motihari/concerned court, in connection with Excise (Motihari) P.S. Case No. 1278 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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