

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77685 of 2024

Arising Out of PS. Case No.-899 Year-2024 Thana- Excise P.S. District- Purnia

Mojibur Rehman Son of Abdul Hannan Resident of Village - Balu Kheriya
Satara, PS - Balrampur, Distt.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Adv.
For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-11-2024 Heard Mr. Raj Kumar duly assisted by Mr. Pratik
Kumar, learned counsel for the petitioner and the State.

2. The petitioner is in custody in connection with
Excise Sadar Purnea P.S. Case No. 899 of 2024 for the offence
punishable under sections 30(a) of the Bihar Prohibition and
Excise Act, 2016 lodged on 07.09.2024 by the informant,
Subhash Kumar.

3. As per the prosecution story, the informant alleged
that it intercepted a motorcycle coming from Bengal side and on
search, there is recovery/seizure of 144 liter beer and 52 liter
foreign liquor kept in the back seat of the car. This led to the
FIR, arrest.

4. Learned counsel for the petitioner submits that he
does not own the car, was a mere passenger having little
knowledge about the presence of the liquor for which he has
already suffered by being in custody since 07.09.2024 (para 4 of



the petition) having no criminal antecedent.

5. Learned APP opposes the prayer for bail submitting that he was present in the car from which the recovery has been made.

6. Considering the submissions put forward by the parties as also the fact that he does not own the car, FIR lodged, he will be facing the trial, he do not have criminal antecedent have criminal antecedent and is in custody since 07.09.2024, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge (Excise)- II, Purnea in connection with Excise Sadar Purnea P.S. Case No. 899 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 fortnight for six months 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)

Vijay Singh/-

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