

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76761 of 2024

Arising Out of PS. Case No.-146 Year-2024 Thana- CHANDI District- Bhojpur

Mohammad Guddu @ Md. Guddu S/O Md. Fakhruddin Sah R/O Village-
Ibraheempur,P.S- Kinjer, Distt.- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ali Muqtadir Ahmad, Adv.
For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP
Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-10-2024 Heard Mr. Ali Muqtadir Ahmad, learned counsel for
the petitioner and Mr. Jitendra Kumar Singh, learned APP.

2. The petitioner is in custody in connection with
Chandi P.S. Case No. 146 of 2024 for the offence punishable
under sections 30(a) of the Bihar Prohibition and Excise Act,
2018 lodged on 07.09.2024 by the informant, Ram Virendra
Thakur.

3. As per the prosecution story, the informant alleged
that while patrolling and upon secret information, a tempo was
intercepted and there is recovery/seizure of 450 litre country
made *mahua*. Accordingly, the FIR.

4. It is the case of the petitioner that he does not own
the tempo, rather a driver, as carrying the passenger/sack later



realizes that it has *mahua* in it. The last submission is that he do not have criminal antecedent.

4. Learned APP opposes the prayer for bail submitting that on secret information, the tempo was intercepted and *mahua* recovered/seized.

5. Considering the submissions put forward by the parties as also the fact that he does not own the tempo and nothing has been recovered from his conscious possession, he is in custody since 08.09.2024 (para 1 of the petition), this Court is inclined to extend him the privilege of bail with conditions.

6. 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 Court of Exclusive Special Excise Judge-I, Bhojpur, Ara in connection with Chandi P.S. Case No. 146 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.

8. Before partying, this Court would like to put on record its word of appreciation for Mr. Ali Muqtadir Ahmad for the proper assistance rendered in the matter.

(Rajiv Roy, J)

Vijay Singh/-

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