

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78637 of 2024

Arising Out of PS. Case No.-326 Year-2024 Thana- Excise P.S. District- Begusarai

Md. Shabaj Alam @ Md. Shahbaj Alam @ Md. Shabaj Alam @ Md. Sahanabaj S/o- Md. Afaj @ Md. Heefaaj @ Hefaaj Village- Masjid Tola, Hardiya W.No-14, Ps- Mufassil Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar Seth, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-11-2024 Heard the parties.

2. The petitioner is in custody in connection with Excise P.S. Case No. 326 of 2024 for the offence punishable under sections 30(a) & 32(b) of the Bihar Prohibition and Excise Act lodged on 22.09.2024 by the informant, Rakesh Prakash.

3. As per the prosecution story, the informant alleged that on secret information, the Jagdambe bus was intercepted and there is recovery/seizure of 193 liters of foreign liquor. This led to the FIR and the arrest.

4. Learned counsel for the petitioner submits that the passengers being there in the bus, he being the conductor had no knowledge of the presence of the alleged material it it, nothing



has been recovered from his conscious possession, only because his criminal antecedent, implicated, he is in custody since 23.09.2024 (para-11 of the petition) and the last submission is that the driver and the cleaner have been granted relief by the Coordinate Bench in Cr. Misc. No. 78248 of 2024 vide order dated 29.10.2024.

5. Let the same be kept on record.

6. Learned APP opposes the prayer for bail submitting that the petitioner have criminal antecedents.

7. Taking into account the aforesaid submissions put forwarded by the parties as also the fact that recovery/seizure is from the bus, is in custody since 29.09.2024 and other co-accused have been granted relief, this Court is inclined to extend him the privilege of bail with conditions.

8. 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 Spl. Excise Court II, Begusarai, in connection with Excise P.S. Case No. 326 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)

Adnan/-

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