

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82372 of 2023

Arising Out of PS. Case No.-107 Year-2023 Thana- SAHARGHAT District- Madhubani

Md. Ajam Son of Md. Alam @ Alama Darji R/O Village- Matihani, P.S.-
Jaleswar, Distict- Mohtari (NEPAL).

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar Pandey
	:	Ms.Kumari Pallavi
For the Opposite Party/s	:	Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-01-2024 Learned counsel for the petitioner is permitted to make necessary correction in para 10 of the bail petition during course of the day.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner seeks bail in connection with Saharghat P.S. Case No. 107/2023 registered for the offences punishable under Sections 272, 273, 414/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

4. As per prosecution case, there was alleged recovery of 90 liters illicit liquor from motorcycle in question and the petitioner was apprehended on the spot.

5. Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 15.08.2023 and bears no criminal antecedent. He further submits that the petitioner was the owner of the said motorcycle in question and he was going to his house in the meantime, the police asked to give paper of the said motorcycle on account of said reason, the police roped the petitioner in the present case. He further submits that the seizure list has not been prepared as per the law. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

6. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

7. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II cum Special Judge, Excise,



Madhubani in connection with Saharghat P.S. Case No. 107/2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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