

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84469 of 2024

Arising Out of PS. Case No.-260 Year-2021 Thana- NADI P.S. District- Patna

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Kallu Miyan @ Kallu Ahmad @ Kallu Ahamad Son of Late Rafi Ahmad @
Late Md Rafi Ahmad @ Md. Rafi Miyan Resident of Village- Sabalpur, P.S.-
Nadi, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Jay Ram Prasad, Advocate Mr. Deepak Kumar, Advocate
For the State	:	Mr. Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 11-12-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Nadi P.S. Case No. 260 of 2021, dated 13.09.2021, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per the allegation, 18 litre of illegal liquor has been recovered from the house of Sanjay Shaw and as per his confessional statement, liquor has been purchased from the petitioner.

4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this



case. He further submits that no recovery has been made from the possession of the petitioner. He also submits that there is no cogent evidence against the petitioner.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has been made accused in one other case in which he is on bail.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Special Judge Excise, Patna, in connection with Nadi P.S. Case No. 260 of 2021, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:



(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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