

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6444 of 2025

Arising Out of PS. Case No.-257 Year-2021 Thana- BAISI District- Purnia

Abdul Jalil, aged about 43 years, Male, S/o- Abdul Khalil, resident of Village- Daulatpur Dalkola, PS- Dalkola, District- Uttar Dinajpur West Bengal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Senior Advocate
Mr. Bidhu Ranjan, Advocate
For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 02-04-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Baisi PS Case No.257 of 2021 dated 02.09.2021, instituted under Sections 272, 273 of the Indian Penal Code, Sections 30(a), 41 and 47 of the Bihar Prohibition and Excise Act.

3. The allegation is of recovery of 630 litres foreign liquor from Bolero Pickup Van bearing registration no. BR 33 GB 1271.

4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR. It is further submitted that the accused persons who were apprehended at the spot in their confessional statement named two other co-accused and on that



basis they were arrested. The apprehended accused also confessed and disclosed the named of a third person and when the third person was apprehended, he disclosed the name of the petitioner. It is submitted that the petitioner is neither the owner nor the driver of the vehicle. Petitioner has no concern with the seized articles. Lastly, it is submitted that three criminal cases of similar nature are pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise-I, Purnea, in Baisi PS Case No.257 of 2021, subject to the conditions laid down in Section 482(2) of the *Bharatiya Nagarik Suraksha Sanhita*, 2023, and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably



father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, (iv) that 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 (v) that the petitioner with two weeks from the date of his furnishing bail bonds shall appear before the SHO of his area along with a copy of this order and thereafter he shall appear every month before the SHO of his area to mark is attendance till the conclusion of the trial.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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