

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17001 of 2025

Arising Out of PS. Case No.-216 Year-2022 Thana- DHANHA District- West Champaran

Maksud Alam @ Maque Sood Alam, Son of late Faruque, Resident of Village
- Basantpur, P.S. - Chautarwa, District - West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Vijay Kr Singh No. 1, Advocate
For the State : Mr. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 19-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Dhanha P.S. Case No. 216 of 2022 dated 09.09.2022 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. As per allegation, total 123.980 liters of liquor has been recovered from a Tempo bearing Registration No. BR-22GA-7659.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that though the tempo allegedly involved in the alleged offence initially belonged to the petitioner and was registered in his name because the said tempo



was purchased on loan but on account of default to pay the installment, the concerned Bank has already seized the vehicle on 30.08.2022 and offence has been allegedly committed on 9.9.2022 i.e. after seizure of the vehicle and, hence, that was not in his possession and on account of this fact, the Police has even closed the case and filed the final form against the petitioner, though, the learned Magistrate has taken cognizance and hence he was constrained to move this court for anticipatory bail.

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 bail petition that the petitioner has no criminal antecedents.

7. However, learned 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 learned Special Judge, Excise, Bagaha, West Champaran, in connection with Dhanha P.S. Case No. 216 of 2022, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned 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, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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