

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22423 of 2025

Arising Out of PS. Case No.-52 Year-2025 Thana- BARH District- Patna

Md. Shadab Alam @ Sdab Alam @ Md. Sdab Alam S/o Maksud Alam @ Md. Maqshood Alam R/o vill - Bazidpur, P.S- Barh, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-04-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Barh P.S. Case No. 52 of 2025 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 19.01.2025 by the informant, Sudhir Kumar Gupta.

3. As per the prosecution story, the informant alleged that on secret information, the Police reached the place and recovered/seized 121.680 liters of foreign liquor. One person namely, Sunil Kumar was arrested who gave the name of the petitioner alongwith others. This led to the FIR.

4. Learned counsel for the petitioner submits that he has no concern with the illegal recovery of the wine, has no criminal antecedent and only because of enmity, implicated.



Further, the submission is that without accepting the allegation and/or the outcome of the present case, the petitioner intends to contribute Rs. 15,000/- to the District Legal Services Authority, Patna for beautification/putting up flower pots in the ADJ Court, Barh through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer submitting that his name has come and as such, his implication cannot be ignored.

6. Taking into account the submissions of the parties as also that nothing has been recovered from his conscious possession rather is among the persons who alleged to have escaped and has no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 15,000/- to the District Legal Services Authority, Patna for beautification/putting up flower pots in the ADJ Court, Barh through Demand Draft issued by the local branch of the State Bank of India and the receipt of the expenditure shall be submitted to the trial Court by the DLSA, Patna.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the



receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge-Excise, Barh, Patna, in connection with Barh P.S. Case No. 52 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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 next 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.

8. A copy of the order be sent to the Principal
District and Sessions Judge, Patna for his perusal and needful.

(Rajiv Roy, J)

Adnan/-

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