

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32028 of 2025

Arising Out of PS. Case No.-21 Year-2025 Thana- Aunsi District- Madhubani

Md. Kamruddin S/o Md. Shoaib @ Md. Shoveb @ Shoveb R/o Village- Parsa Baira, P.S.- Jaynagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Udeshya Kr. Yadav, Advocate
For the State	:	Mrs. Meena Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 21-05-2025 Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Aunsi P.S. Case No. 21 of 2025, G.R. No. 404 of 2025, registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2018. Petitioner has clean antecedent.

3. As per the FIR, the informant during vehicle check, stopped one bolero car and on search around 395.4 liters of Nepali liquor was recovered from the said vehicle. The driver of the said bolero car was apprehended who disclosed his name as Md. Kamruddin (petitioner).

4. The learned counsel submits that petitioner is



innocent and has falsely been implicated in this case as admittedly he was merely the driver of the said four wheeler and he was operating the car at the instructions of his owner. The learned counsel further submits that no incriminating article was recovered from his conscious possession rather the seizure was made from the car of which he was a driver. It has also been submitted that no independent witness is there to the seizure list. It has lastly been submitted that the petitioner carries clean antecedent and he is in custody since 22.03.2025

5. The learned A.P.P. for the State opposes the prayer for bail and has stated that the petitioner was apprehended with 395.4 liters of Nepali liquor and hence he should not deserve the liberty of bail.

6. Considering the aforesaid submissions made by the respective parties and taking into account the fact that the petitioner was driver of the bolero car and he has clean antecedent, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, be released on bail on deposition of a sum of Rs. 5,000/- to the Patna High Court Legal Services Committee, Patna, and an



acknowledgment receipt be submitted before the learned Court below prior to the furnishing bail bond and thereafter on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned District and Additional Sessions Judge-II-cum-Special Judge Excise Act, Madhubani, in connection with Aunsi P.S. Case No. 21 of 2025, G.R. No. 404 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the



petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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