

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34809 of 2025

Arising Out of PS. Case No.-26 Year-2025 Thana- BAIRGACHHAI District- Araria

Abdur Razzaque S/o Mozurul Haque @ Mozmul Hoque R/o Village-
Piradhara, Ward No. 17, P.S.- Abhayapuri, District- Bogai Gaon (Assam)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Ms.Sangeeta Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 02-07-2025 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in a case registered for
the offences under Section 30(a) of Bihar Prohibition and
Excise Act.

3. As per the prosecution case, police during
vehicle-check intercepted a pick-up van and the driver of
the vehicle was apprehended who disclosed his name as
Abdur Razzaque (petitioner) and on search, 855 liters of
foreign liquor was recovered.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been
implicated in this case and petitioner is only the driver of



the said pick-up van from which foreign liquor was seized. It is next submitted that the petitioner has no concern with the alleged recovery and no incriminating article has been recovered from his conscious physical possession. It is lastly submitted that the petitioner has clean antecedent and is in custody since 10.03.2025. Learned counsel for the petitioner undertakes to deposit a fine of Rs. 5,000/- in the account of Advocate Association of the Patna High Court.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid submissions of the parties and also considering the period of custody of the petitioner, let the petitioner above- named, be enlarged on bail, on deposition of a sum of Rs. 5,000/- in the account of Advocate Association of the Patna High Court and an acknowledgment receipt be submitted before the learned Court below prior to the furnishing of bail- bond and thereafter on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Araria, in connection with Baingachhi P.S. Case No. 26/2025, subject



to the following conditions:-

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. If the petitioner is found to be engaged in any other incident of similar nature the prosecution shall be at liberty to approach the learned Court below for cancellation of bail of the petitioner.
- d. 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.
- e. The 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



afore-mentioned order shall not be delayed
for purpose of or in the name of
verification.

7. This application stands allowed.

(Sourendra Pandey, J)

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