

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40849 of 2025

Arising Out of PS. Case No.-122 Year-2020 Thana- NADI P.S. District- Patna

Kallu Ahmad @ Kallu S/O Md. Rafique Ahmad @ Md Shafi @ Late Md. Rafi Ahmad R/O Village- Sabalpur, PS- Nadi, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-07-2025 Heard Mr. Jay Ram Prasad, learned counsel for the petitioner and Ms. Asha Devi, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 21.04.2025 in connection with Spl Case No. 459501 of 2020 (arising out of Nadi P.S. Case No. 122 of 2020), F.I.R. dated 30.07.2020 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 1860 liters of country made liquor.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession of the petitioner rather the recovery has



been made from the boat in question and the petitioner has been made accused merely on the basis of suspicion. He further submits that the petitioner is not the owner of the said boat and he has no concern at all with the alleged recovery of the illicit liquor. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 21.04.2025.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries ten criminal antecedents of similar nature other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in eight cases out of ten cases.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Patna City in connection with Spl Case No. 459501 of 2020 (arising out of Nadi P.S. Case No. 122 of 2020), subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court



and shall remain physically present as directed 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. 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.

iii. And further condition that 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 above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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