

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4176 of 2025

Arising Out of PS. Case No.-780 Year-2024 Thana- Excise P.S. District- Jamui

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Mohammad Sohrab @ Md. Sehrab S/O Late Gulam Rasool @ Late
Mohammad Gulam Rasul, R/O Vill.- Bihar Sharif, P.S.- Bihar Sharif, Dist.-
Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Ms. Pronoti Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-01-2025 Heard Mr. Rudal Singh, the learned counsel for the

petitioner and Ms. Pronoti Singh, the learned Additional Public

Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since

10.12.2024, in connection with Prohibition and Excise Jamui

P.S. Case No. JAM 780 of 2024, FIR dated 17.07.2024,

registered for the offences punishable under Sections 30(a) of

the Bihar Prohibition and Excise Act.

3. Recovery is of 657 litres of foreign liquor.

4. Learned counsel for the petitioner submits that

petitioner has clean antecedent and he has falsely been

implicated in the present case. He further submits that it appears

from the FIR that nothing has been recovered from the

conscious possession of the petitioner, rather the recovery has



been made from the pick up van and petitioner has been made accused in the present case merely on the ground that petitioner is the owner of the vehicle in question. He further submits that the co-accused person namely, Md. Mohsin @ Mohsin, who has had the vehicle of the petitioner, has been granted bail by this Court *vide* order dated 25.09.2024 passed in Cr. Misc. No. 61369 of 2024. He lastly submits that the petitioner is in custody since 10.12.2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent, nothing has been recovered from the conscious possession of the petitioner, petitioner has been made accused in the present case because he is the owner of the vehicle in question and similarly situated co-accused person has been granted bail by this Court, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Excise Court No. II, Jamui, in connection with **Jamui P.S. Case No. JAM 780 of 2024**, 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 learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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