

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26584 of 2017

Arising Out of PS.Case No. -5 Year- 2009 Thana -GOVERNMENT OFFICIAL COMP. District-
DARBHANGA

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1. Md. Phool @ Gulam Mujtaba @ Md. Mujtaba, son of Late Hazi Babu @
Late Md. Sahurul Haque, resident of Village- Jamalchak, P.S.- Sadar
(Mabbi O.P.), District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar

For the Opposite Party/s : Mr. Sri Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 22-06-2017 The petitioner seeks regular bail in connection with G.O.

Excise Case No. 376 of 2017, arising out of G.O. Excise Case No.
5 of 2009, registered for offences punishable under Sections 47(a)
and 47(f) of Bihar Excise Act.

Allegation is of recovery of 18640 litres of spirit.

It has been submitted on behalf of the petitioner that
petitioner has nothing to do with the alleged recovery as the
godown from which the alleged recovery has been made was
given on rent by the petitioner, which will appear from Annexure -
2 of this petition. Further petitioner was not apprehended on spot
rather a person namely, Phool Babu son of Jamirul and servant of
the person to whom the godown was rented, was apprehended on



spot. petitioner has now remained in custody for about four months.

Heard learned A.P.P. also.

Having heard both sides, considering the facts and circumstances of the case and in view of Annexure -2, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge cum Special Judge, Darbhanga, Dist. Darbhanga, in connection with G.O. Excise Case No. 376 of 2017, arising out of G.O. Excise Case No. 5 of 2009, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the



court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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