

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.1713 of 2019**

Arising Out of PS. Case No.-146 Year-2018 Thana- NAUHATTA District- Saharsa

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Md. Barkat son of Md. Giyauddin @ Md. Jiyauddin Resident of Village-  
Nauhatta, P.S.- Nauhatta, District- Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Pramod Mishra, Adv.

For the Opposite Party/s : Mr.Sri Kanhaiya Kishore (APP)

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**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**

ORAL ORDER

2      28-01-2019                      Heard learned counsel for petitioner and learned  
counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Special (Excise) Case No. 478 of 2018 arising out of Nauhatta P.S. Case No. 146 of 2018 registered for the offences punishable under Sections 30 (a), 38(i) and 41(i) of Bihar Prohibition and Excise Act, 2016.

Informant who is a police officer has received a secret informant that accused persons stored illicit liquor in their house thereafter raid was conducted and recovered 74.340 liters of illicit foreign liquor (Royal Stag whiskey) kept in a bag from the house of the accused persons.

It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been falsely implicated in this case due to highhandedness of the local police. Nothing incriminating article has been recovered



from the conscious possession of the petitioner rather the liquor was recovered from the joint house of the petitioner. Similarly placed co-accused have been granted bail by co-ordinate bench of this court passed in Cr. Misc. No. 71336 of 2018 and Cr. Misc. No. 75261 of 2018 vide order dated 04.12.2018 and 09.01.2019 respectively. Petitioner has no criminal antecedent and is in custody since 12.09.2018.

Considering the aforesaid fact and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Saharsa, in connection with Special (Excise) Case No. 478 of 2018, arising out of Nauhatta P.S. Case No. 146 of 2018, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be represented on each and every date fixed by the court.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.
- (4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bonds.

**(S. Kumar, J)**

Rajiv/-

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