

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50386 of 2019

Arising Out of PS. Case No.-1005 Year-2018 Thana- SITAMARHI District- Sitamarhi

1. MD. MOSTAKIM Son of Late Md. Shahid Resident of Ward No.- 5, Village- Mehsaul Got, P.S.- Sitamarhi (Mehsaoul O.P.), District- Sitamarhi.
2. Md. Lalbabu Son of Md. Noor Islam Resident of Ward No.5, Village- Mehsaul Got, P.S.- Sitamarhi (Mehsaoul O.P.), Distt- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abu Nasar, Advocate

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-10-2019 Heard learned counsel for the petitioners and learned
APP for the State.

At the outset learned counsel for the petitioners submits that during pendency of this application, petitioner no. 1 has already been arrested, therefore, this application on behalf of petitioner no. 1 has been rendered infructuous.

Let this application be treated as having become infructuous on behalf of petitioner no. 1.

The application now survives only on behalf of petitioner no. 2 who is seeking anticipatory bail in connection with Sitamarhi P.S. Case No. 1005 of 2018 registered for the offences punishable under Sections 272, 273 of the Indian Penal



Code and Section 30(a) of Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that no recovery of illicit liquor has been made from the house of the petitioner.

Learned APP has opposed the prayer of anticipatory bail of the petitioner.

In the given facts and circumstances where no recovery of illicit liquor has been made from the house of the petitioner and the entire recovery is from the house of one Md. Sajam but the name of the petitioner has transpired saying that he is also involved with Md. Sajam in the liquor business and apart from that there is no other material to connect the petitioner showing his involvement in the business of illicit liquor, let the petitioner above named in case of his arrest or surrender within a period of four weeks from today in connection with Sitamarhi P.S. Case No. 1005 of 2018 be released on bail on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-Cum-Special Judge, Excise Act, Sitamarhi, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself



available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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