

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.52635 of 2019**

Arising Out of PS. Case No.-261 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.  
District- Sitamarhi

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Samsul Baitha Son of Basir Baitha Resident of Village - Kachoral, Ward  
No.3, P.S.- Kanhauli, Dist.- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner : Mr.Ashok Kumar Jha Advocate  
For the Opposite Party : Mr.Satyadeo Singh Yadav APP

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

3      16-11-2019                      Heard learned counsel for the petitioner  
and the learned APP for the State.

The petitioner seeks bail in connection with  
**Complaint Case No. C2-261 of 2019** instituted  
for the offence under Sections 30(A) of the Bihar  
Prohibition and Excise Act, 2016.

On allegation of recovery of '*Nepali Saufi*',  
180 bottles of 300 ML each and two bicycles, the  
petitioner, having no criminal antecedents, is in jail  
custody since 20.05. 2019.

The counsel for the petitioner submits that  
the petitioner has falsely been implicated in this  
case and no wine was recovered from his



possession. It is his submission that the seizure is not in accordance with law, and as such, the prosecution case is baseless and false.

Learned APP for the State opposed the prayer for bail.

Having considered the rival submissions of the parties, prayer for bail is allowed. 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 **Additional District Judge-II-cum-Special Judge, Excise Act, Sitamarhi, Excise Act, Sitamarhi**, in connection with **Complaint Case No. C2-261 of 2019**, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well



represented on each date and if he fails to do so on  
two consecutive dates, his bail bond will be liable  
to be cancelled.

**(Madhuresh Prasad, J)**

shyambihari/-

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