

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23028 of 2020**

Arising Out of PS. Case No.-93 Year-2020 Thana- BAUSI District- Purnia

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MUSTAKIM ALAM @ MUSTAKEEM ALAM Son of Haiyyul Resident of
Village - Matiyani, P.S.- Jokihat, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh
For the Opposite Party/s : Mr. Ram Chandra Sahni

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 14-09-2020 Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State, through video

conferencing.

The petitioner seeks regular bail in connection with
Bausi Police Station Case No. 93 of 2020, registered for the
offence punishable under Sections 272/273 of the Indian Penal
Code and Sections 30 (a)/41/47 of the Bihar Prohibition and
Excise Act, 2016.

The allegation against the petitioner is that one Maruti
Zen car was intercepted by the police and a total quantity of
16.140 litres of illicit liquor has been recovered from the said
car.

Learned Counsel for the petitioner submits that the
petitioner has not committed any offence in the manner alleged



and the car, in question, is not owned by him.

On the other hand, learned Additional Public Prosecutor, referring to the impugned order, submits that the car, in question, is owned by the petitioner and the petitioner has got criminal antecedent also inasmuch as similar case was lodged against the petitioner, bearing Case No. C-1 101 of 2019, which he tried to conceal before the learned Court below, but the learned Court below, after search from the software of the Court, came to know about the earlier case lodged against the petitioner under the provisions of the Excise Act. He further submits that in the earlier case, the learned Court below had allowed bail application of the petitioner subject to the condition that the petitioner will not repeat the similar offence in future.

After having heard learned Counsel for the parties and taking into consideration the fact that this is the repeated offence committed by the petitioner, I am inclined to grant regular bail to the petitioner, **after framing of charge against the petitioner.**

This application is allowed.

Accordingly, let the petitioner, above named, be released on bail, **after framing of charge against him**, upon furnishing bail bond of Rs. 25,000/- (twenty five thousand) with



two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III -cum- Special Judge, Excise, Purnea, in connection with Bausi Police Station Case No. 93 of 2020.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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