

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24701 of 2020

Arising Out of PS. Case No.-68 Year-2020 Thana- BARACHATTI District- Gaya

MD. JAMIL ALAM Son of Md. Naim Telar @ Nayeem Tailor Resident of
Village- Gajragarh, P.S.- Barachatti, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh

For the Opposite Party/s : Mr. Tarkeshwar Sharma

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-09-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner and learned APP for the State .

Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Barachatti P.S. Case no. 68 of



2020 instituted for the offence under Section 30(d) of the Bihar Prohibition and Excise Act, 2016.

Three persons were travelling in a vehicle which has been stopped by the police. Two persons fled away. Petitioner allegedly has been apprehended. From the vehicle in-question Total 4 (four) quintals of Mahua flower has been recovered.

It is submitted that the recovery is from the vehicle which belongs to other co-accused, namely, Nitish Kumar. The petitioner was also not the driver. From possession of Mahua flower *per se* would not constitute an offence under the Bihar Prohibition and Excise Act, 2016.

The petitioner is in custody since 06.02.2020 and he bears a clean past.

The learned APP has opposed the prayer for bail.

Considering the aforesaid, 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 Spl. Judge Excise Act, Gaya in connection with Barachatti P.S. Case no. 68 of 2020, 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)

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