

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 28970 of 2020

Arising Out of PS. Case No.-126 Year-2020 Thana- CHHATAUNI District- East Champaran

SUGGA MIYAN @ SUGA MIYAN @ SUGAM MAHMMAD @ SUNG
MOHAMMAD Son of Late Gulaten Miya @ Gulaten Havari Resident of
Village- Chhota Bariyarpur, P.S.- Chhatauni, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Madhurendra Kumar, Advocate

For the Opposite Party/s : Mr Nand Kishore Prasad, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 09-11-2020

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

Learned counsels 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.

Mr Nand Kishore Prasad, APP is appearing as it is submitted that the brief has been allotted to him by the Office of Advocate General.

The petitioner seeks bail in Chhatauni Police Station (for brevity, *PS*) Case No 126 of 2020 instituted for the offence



punishable under Sections 272, 273/34 of Indian Penal Code and Section 30 (a) of Bihar Prohibition and Excise Act, 2016.

13.020 liters Indian Made Foreign Liquor has allegedly been recovered leading to petitioner's implication in the instant case.

It is submitted by petitioner's counsel that owing to his criminal antecedent, the petitioner has been implicated in this case also. Even, as per the seizure list and First Information Report, recovery is from the premises and not from the small shop of the petitioner and, admittedly, petitioner was not present at the time of recovery. His implication is stated to be on the basis of statement given by two co-accused stating that the petitioner and his wife were also indulging in the trade of illicit liquor. The petitioner is in custody in connection with this case since 06.06.2020. It is further submitted that the petitioner is already on bail in other cases.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



Additional Sessions Judge VII, -cum- Special Judge, Excise,
East Champaran, Motihari in Chhatauni PS Case No 126 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.

Learned counsel for the petitioner is expected to
honour his undertaking given in the instant proceedings today
for depositing requisite Court fee and removing the defect (s), as
pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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