

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78141 of 2019

Arising Out of PS. Case No.-87 Year-2019 Thana- ANDHRATHARHI District- Madhubani

Md. Mustakim @ Md. Musakim Rain @ Md. Mustakim Rain, aged about 38 years (M), son of Md. Tajmul Rain, Resident of Village- Thadhi, Dhobiyahi Tola, P.S.- Andhratharhi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

5 12-05-2020 The matter has been listed and heard *vide* video conferencing in view of the lock-down imposed on account of COVID-19 pandemic.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor (hereinafter referred to as the “APP”) for the State.

3. The petitioner seeks bail in connection with Andhratharhi P. S. Case No.87 of 2019 dated instituted under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

4. The allegation against the petitioner is that from his house 234 litres of foreign made liquor has been recovered.

5. Learned counsel for the petitioner submitted that the house is the joint house in which the petitioner also resides



and the recovery has not been made from his conscious possession. It was further submitted that the petitioner is neither involved in such trade nor had any connection with the alleged recovered material. It was further submitted that though there is one other case against him of the year 2016, but he is on bail in the same. It was submitted that the petitioner is in custody in the present case since 27.10.2019.

6. Learned APP submitted that the petitioner also resides in the house from which recovery has been made.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Madhubani, in Andhratharhi P. S. Case No.87 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall



lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

