

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29309 of 2021

Arising Out of PS. Case No.-308 Year-2020 Thana- KOCHADHAMAN District- Kishanganj

MUBARAK HUSSAIN @ MOBAROK HUSSAIN Son of Altab Ali Resident
of Village- Uttar Rampur, P.S.- Chakulia, District- Uttar Dinajpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 30-07-2021 Heard the parties in virtual court proceeding.

Let the defect(s) be removed within four weeks of
start of the physical court.

The petitioner is languishing in custody for the
offences punishable under Sections 30(a), 35, 36, 41 and 41(i)
of the Bihar Prohibition and Excise Act, 2016.

The person, who were apprehended along with
liquor, stated to the police that petitioner, who is resident of
West Bengal, had sold the liquor to them.

Submission is that sale and purchase of liquor
is not banned and an offence in the State of West Bengal.
Hence, no offence was committed by the petitioner. Though
the petitioner has got criminal antecedent of identical
nature, however, in the present case, for the purpose of
consideration of prayer for bail, no case under Bihar



Prohibition and Excise Act is made out against the petitioner.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Special Case No. 379 of 2020 arising out of Kochadhaman P.S. Case No. 308 of 2020, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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