

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28807 of 2021

Arising Out of PS. Case No.-43 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Md. Salim S/O Md. Sataar Resident Of Mohalla Mathurapur, Ward No 5, PS
Warish Nagar (Mathurapur O.P), District-Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Dubey
For the Opposite Party/s : Mr.Md. Matloob Rab

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-08-2021 Heard learned counsel for the parties through video
conferencing.

The petitioner seeks bail in Excise Case No. 43 /
2021, Computer Registration No. 43 / 2021 registered for the
offence under Section 30(a) of Bihar Prohibition and Excise
Act.

70 liters of foreign liquor has been recovered from
the Tempo of the petitioner.

It is submitted on behalf of petitioner that nothing has
been recovered from the conscious possession of the petitioner.
The recovery has been made from the Tempo, of which,
petitioner is neither owner nor driver and he is in custody since
03.02.2021.



Learned A.P.P. for the State has opposed the bail petition.

Considering the nature of allegation and period of custody, the bail petition of petitioner is allowed. Let the above named petitioner 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 learned Additional Sessions Judge II cum Special Judge, Excise, Samastipur in connection with Excise Case No. 43 / 2021, Computer Registration No. 43 / 21, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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