

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35038 of 2021**

Arising Out of PS. Case No.-11 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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Mohammad Tabarak Hussain @ Mohammad Tabarakh Hussain Son of Phul
Mahamad @ Phul Mohammad @ Phulmahamad Miya R/O Village-
Dilawarpur, P.S.- Kesariya, Dist.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey No.5

For the Opposite Party/s : Mr.Shailendra Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2. 09-09-2021 Heard learned counsel for the parties through video
conferencing.

The petitioner seeks bail in Excise Case No. 11 of
2021, registered for the offence under Section 30(a) / 41(1) of
Bihar Prohibition and Excise Act.

276 liters & 480 ml. of illicit foreign liquor has been
recovered from a Bolero, of which, this petitioner was driver.

It is submitted on behalf of petitioner that nothing has
been recovered from the conscious possession of the petitioner.
The petitioner, being driver of the vehicle, was not aware about
the nature of consignment. Petitioner claims clean antecedent
and he is in custody since 09.01.2021.

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 District and Sessions Judge II cum Special Judge (Excise), Gopalganj in connection with Excise Case No. 11 of 2021, 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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