

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38651 of 2021

Arising Out of PS. Case No.-224 Year-2021 Thana- SARAIYA District- Muzaffarpur

ABUL HASAN @ MD. ABUL HASAN Son of Late Md. Taha Resident of
Village- Churihar, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Saraiya P.S. Case No. 224 of 2021 registered under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Liquor Prohibition and Excise Act, 2016.

On secret information, the police party has reached the petitioner's house-cum-scrap shop from where there is alleged recovery of bottles capable of being used for selling of liquor and 5 litres spirit.



Learned petitioner's counsel submits that based on some extraneous considerations, the petitioner has been implicated. Being owner of the scrap shop, it is obvious that empty bottles will be found at his premises. He has no criminal antecedents and no relation with the spirit. He is in custody since 25.03.2021 without any antecedent.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act, Muzaffarpur in Saraiya P.S. Case No. 224 of 2021, 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.

(Madhuresh Prasad, J)

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