

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4601 of 2021

Arising Out of PS. Case No.-205 Year-2019 Thana- NAVINAGAR District- Aurangabad

Md. Tesham Ali @ Md. Tesam Ali Son of Late Majid Ali, resident of village -
Baldihri, P.S.- Haidar Nagar, Distt.- Palamu (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 22-06-2021 In view of sudden surge of COVID-19 infection there

is limited functioning of the High Court and therefore the matter

has been listed for consideration through virtual mode.

Heard learned counsel for the petitioner and the
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 Nabinagar P.S. Case No. 205
of 2019 registered under section 30 (a) of the Bihar Prohibition
and Excise Act.

Petitioner has been arrested having regard to the fact
that in the R.T.O., the vehicle from which 640 litres of illicit



liquor has been recovered, stands registered in his name.

It is submitted that even from prosecution case it is evident that petitioner was not present at the time of alleged recovery. Under written agreement (Annexure-2 series) vehicle in question had been sold long back to one Raju Khan. Though his name was not entered in the register maintained in the Transport Office. In the such fortuitous circumstances, the petitioner has become victim and he is in custody since 11.10.2020 and has no criminal antecedent.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, 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 7th Additional Sessions Judge-cum-Special Judge (Excise), Aurangabad in Nabinagar P.S. Case No. 205 of 2019, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit 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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