

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7043 of 2021

Arising Out of PS. Case No.-118 Year-2019 Thana- MUSAHARI District- Muzaffarpur

PHOOL MOHAMMAD S/o MD HASIM SAH Resident of Village -
Sonbarsa Sah, P.S. - Maniyari, District - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand, Adv.
For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video
Conferencing and the Advocates joined the proceedings through Video
Conferencing from their residence.)

2 26-04-2021 The defect(s) as pointed out by the Office be removed by
the learned counsel for the petitioner within two months after
the High Court resumes its normal functioning.

Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offences
punishable under Sections 272, 273 of the I.P.C. and Sections
30(a), 36, 38 of the Bihar Prohibition & Excise Act.

Allegation is recovery of 21.75 litres foreign liquor from
motorcycle of the petitioner.

It has been submitted on behalf of the petitioner that
petitioner is innocent and has falsely been implicated in this



case due to dirty village politics. The petitioner has no concern with the seized liquor. It has further been submitted that petitioner has been made accused in this case on the basis of seized motorcycle which was in the name of the petitioner and as a matter of fact, petitioner sold the aforesaid motorcycle to one Shubham Kumar Mishra but owner book could not be transferred in the name of Shubham Kumar Mishra. Petitioner has no criminal antecedent and he is in custody since 01.11.2020.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with Mushahari P.S. Case No. 118 of 2019, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

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



(4) If the petitioner is found involved in similar nature of offences, after his release on bail, the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

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