

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2780 of 2022**

Arising Out of PS. Case No.-307 Year-2020 Thana- KOCHADHAMAN District- Kishanganj

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Md. Sahid @ Sahid Pradhan @ Sahid Reza S/o Late Md. Din Ali @ Late Md. Ali Resident of Dhanigachh, Sonapur, P.S.- Chopra, District- Uttar Dinajpur (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Meena Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 24-06-2022 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Kochadhaman P.S. Case No. 307 of 2020 registered for the offence under Sections 30(a), 35, 36 and 41 of Bihar Prohibition and Excise Act, 2016.



The accused/petitioner is not named in the F.I.R. and is in custody since 28.10.2021.

The allegation against the petitioner is to involve in illegal business of illicit foreign made liquor where there was a recovery of 720 liters of illicit liquor from two vehicles.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is not named in the F.I.R. and name of the petitioner surfaced in the present case on the basis of self confession recorded in Kishanganj P.S. Case No. 447 of 2020. It has further been submitted that after arrest in the said case, the petitioner has been remanded one by one in ten different cases out of which he is on bail in eight cases. While concluding the argument, it has further been submitted that chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the name of the petitioner surfaced on the basis of confessional statement.

Considering the facts and circumstances as mentioned above, as nothing incriminating surfaced in furtherance of the self confession of the petitioner, which may connect the petitioner with the alleged recovery coupled with the fact that



chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Kochadhaman P.S. Case No. 307 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees 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), Kishanganj, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be



Md. Faruk, who is the nephew of the
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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