

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4708 of 2022

Arising Out of PS. Case No.-271 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

MD. SAHID @ SAHID PRADHAN @ SAHID REZA SON OF LATE MD.
DIN ALI @ LATE MD. ALI RESIDENT OF DHANIGACHH, SONAPUR,
POLICE STATION- CHOPRA, DISTRICT- UTTAR DINAJPUR (WEST
BENGAL)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-06-2022 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. 271 of 2021 (Special Case No. 436
of 2021) registered for the offence under Sections 272 and 273
of the IPC and Section 30(a), 32(2)(3), 33, 41 and 47 of the
Bihar Prohibition and Excise Act, 2018

The petitioner is not named in the FIR and is in
custody since 22.10.2021.

The accusation against the petitioner is to involved
in manufacturing and selling of illicit liquor, wherein, total of



900 litre of illicit spirit was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis of self confessional statement while in judicial custody in Kochadhaman P.S. Case No. 271 of 2021. It is further submitted that alleged illicit spirit has not recovered from the physical or conscious possession of the petitioner. Learned Senior counsel, Sri Ramakant Sharma, appearing on behalf of the petitioner submitted that the petitioner involved in other 10 cases on the basis of self confessional statement and in all the cases, the petitioner is on bail. It has further submitted that charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

APP appearing on behalf of the State while opposing the prayer for bail fairly conceded the fact that alleged recovery has not been made from the physical or conscious possession of the petitioner, but, raised his concern about criminal antecedent as mentioned in paragraph no.3 of the bail petition.

Considering the facts and circumstances as mentioned above, alleged recovery has not been made from the physical or conscious possession of the petitioner coupled with the fact that charge-sheet 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. 271 of 2021 (Special Case No. 436b of 2021) 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-III-cum-Special Judge (Excise), Kishanganj subject to the following conditions:

“(i) That 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) 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 nephew of the petitioner, namely, Md. Faruk, S/o of Md. Nijamuddin, who is the deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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