

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4647 of 2022

Arising Out of PS. Case No.-446 Year-2021 Thana- PAROO District- Muzaffarpur

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MD ABID SON OF MD. ZAKIR RESIDENT OF VILLAGE- FANDA, P.S.-
PAROO, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bela Singh

For the Opposite Party/s : Mrs.Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-06-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with Paroo

P.S. Case No. 446 of 2021 registered for the offences punishable

under Section 30(a) of Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery

of 30 litre country made liquor from the under constructed

house of co-accused Abhay Rai. It is also alleged that petitioner

and others were also involved in selling of said country made

liquor and petitioner along with others were apprehended on the

spot.

Learned counsel for the petitioner submits that



petitioner is in custody since 18.11.2021 and bears criminal antecedent of three cases in which two cases are of similar nature. Nothing has been recovered from possession of the petitioner and he has falsely been implicated in the present case only on suspicion. Petitioner has no concern with the alleged seized liquor and he has no knowledge about the presence of alleged liquor in the alleged place. Search and seizure has not been made as per law. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Paroo P.S. Case No. 446 of 2021, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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