

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 8715 of 2022

Arising Out of PS. Case No.-311 Year-2021 Thana- PIRPAINTI District- Bhagalpur

Sk. Rajju. @ Raju Miyan @ Sk. Reyaz Son Of Sk. Irfan R/O Village-
Pirpanti Bazar, P.S.- Pirpanti, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 06-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner seeks regular bail in connection with
Pirpanti P.S. Case No. 311 of 2021 instituted for the offences
punishable under Sections 30(a) of Bihar Prohibition and Excise
Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 10.01.2022, charge-sheet has been
submitted in the case and has antecedent of two cases.

The prosecution case, in short, is that on 31.12.2021,
on secret information about the illegal liquor, informant along
with police personnel reached at Pirpanti Bazar Pul Chowk.



After seeing the police party, a person having a bag pack upon his back is coming. Thereafter, that person has thrown his bag and managed to fled away. On search of the bag which was thrown by him, total 21 bottles of foreign liquor of 375 ml. each and 5 bottles of foreign liquor of 180 ml. each as such total 8.775 litre foreign kept in the bag total 26 bottles has been recovered. Accordingly, seizure list has been prepared. It is further alleged that the person has been identified by the Mahal Chaukidar as Sk. Rajju @ Raja Miyan.

Learned counsel for the petitioner submits that the petitioner is innocent and he has not committed any offence. It is also submitted that neither the petitioner has been arrested on spot nor any incriminating articles have been recovered from his possession. It is further submitted that petitioner has no concern and no connection with the alleged recovered 8.775 liters of foreign liquor and the petitioner is an old person, aged about 60 years.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 10.01.2022 and charge-sheet has been submitted in the case, let the petitioner above named be released on bail on



furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge Exclusive Excise Court No. 2, Bhagalpur in connection with Pirpanti P.S. Case No. 311 of 2021 subject to the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(3) 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.

(Khatim Reza, J)

Gaurav Kumar/-

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