

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14043 of 2022

Arising Out of PS. Case No.-366 Year-2021 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

MD. SALAM Son of Md. Sultan R/o Ramraji, Road Maripur. At present C/o
Bacchu Mian, R/o Maripur, P.S. - Kazimohammadpur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kaushal Kishor

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Kazimohammadpur P.S. Case No. 366 of 2021 for the offence
punishable under Sections 272 and 273 of the Indian Penal
Code, Sections 30(a), 36 and 41(i) of the Bihar Prohibition and
Excise Act and Sections 25(1-b)a and 35 of the Arms Act.

As per the allegation made in the F.I.R., 9.825 litres of
foreign liquor was recovered from upper floor of the house of
Bacchu Mian and 2.450 litres of foreign liquor was recovered



from the house of Md. Appu. Allegation against the petitioner is that he had brought the aforesaid consignment to sell.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in the present case. Nothing has been recovered from conscious possession of the petitioner. Nothing has been recovered from conscious possession of the petitioner rather the alleged recovery has been made from the house of co-accused Bachu Mian and Md. Appu. Petitioner has clean antecedent and is in custody since 07.12.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Taking into consideration that alleged recovery has been made from the house of Bachu Mian and Md. Appu and nothing has been recovered from conscious possession of the petitioner and period of custody undergone by the petitioner, without going into the merits of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of **Rs.25,000/- (Rupees twenty five thousand)** with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-I, Muzaffarpur in connection with Kazimohammadpur P.S. Case No. 366 of 2021, subject to



the 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 offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically loose its force.

(Purnendu Singh, J)

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