

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16975 of 2022

Arising Out of PS. Case No.-566 Year-2021 Thana- SAHEBGANJ District- Muzaffarpur

MD FIDA @ FIDA MIYAN Son of Khudadin Resident of Village- Bangra
Nizamat, P.S.- Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Upendra Kumar Chaubey

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2022 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
Sahebganj P.S. Case No. 566 of 2021 registered for the offences
punishable under Sections 272, 273 of the Indian Penal Code
read with Section 30(a) of Bihar Prohibition and Excise Act.

As per prosecution case, On information informant
reached to the house of Md. Fida (petitioner). After seeing
police personnel one person started fleeing away from a hut but
he was apprehended. On enquiry, he disclosed his name as Md.
Fida (petitioner). On search of hut, approx 40 litre country made
Chulai liquor was recovered.



Learned counsel for the petitioner submits that petitioner is in custody since 22.12.2021. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the said liquor was recovered from a hut not from the house of the petitioner. Nothing has been recovered from the possession of the petitioner and he has no concern with the alleged liquor or any liquor business.

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

Considering the facts and circumstances of the case as well as period of custody, keeping in view clean antecedent of the petitioner, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, 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, Court No. - II, Muzaffarpur in connection with Sahebganj P.S. Case No. 566 of 2021, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has 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 without appropriate permission 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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