

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20655 of 2022**

Arising Out of PS. Case No.-26 Year-2022 Thana- KATRA District- Muzaffarpur

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MOHINUDDIN SAH Son of Late Md. Chhote Sah R/O Village - Dargah,
P.S.- Katra, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anish Kumar

For the Opposite Party/s : Mr.Nitya Nand Tiwary

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 09-06-2022 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 regular bail in connection with
Katra P.S. Case No. 26 of 2022 registered for the offences
punishable under Sections 272, 273, 34 of the Indian Penal
Code and Section 30(a) of Bihar Prohibition and Excise Act.

As per prosecution case, the informant received
confidential information that co-accused Md. Sahid is selling
intoxicated toddy and several drinkers were present there. On
that information police party reached there and arrested five
persons including the petitioner and recovered 80 litres
intoxicated toddy from the hut of co-accused Md. Sahid.



Learned counsel for the petitioner submits that petitioner is in custody since 22.01.2022 and bears no criminal antecedent. Nothing has been recovered from conscious possession of the petitioner. Petitioner has no concern with the seized illicit toddy. 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 Exclusive Special Judge (Excise) Court No. 1, Muzaffarpur in connection with Katra P.S. Case No. 26 of 2022, 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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