

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21740 of 2022**

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

MD. AKHTAR @ MD. AKHTAR MIAN Son of Md. Jasim Resident of -
Ramraji Road, Maripur, P.S. - Kazimohammadpur, District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore

For the Opposite Party/s : Mr.Dashrath Mehta

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

2 27-07-2022 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
Kazimohammadpur P.S. Case No. 366 of 2021 registered for the
offences punishable under Sections 272, 273, 34 of the Indian
Penal Code and read with Section 30(a), 36, 41(i) of Bihar
Prohibition and Excise Act, and Section 25(1-b)a, 35 of the
Arms Act.

As per the prosecution case, upon search 1.80 litres
foreign liquor and one country made pistol has been recovered
while from upper floor of the house of Bacchu Mian 9.825 liters



foreign liquor has been recovered. The accused person had further disclosed that Md. Appu and Md. Saddam are also involved in illegal dealing of liquor. On receipt of information received from the accuseds, police then raided the house of Md. Appu from where 2.450 of foreign liquor was recovered while Md. Appu found absconded and the name of petitioner has been transpired on confessional statement of the apprehended co-accused.

Learned counsel for the petitioner submits that petitioner is in custody since 07.02.2022. 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 petitioner is innocent and has falsely been implicated in this case. Petitioner is not apprehended on spot. Nothing has been recovered from the possession of the petitioner or from the house of the petitioner.

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, date of occurrence as alleged in the F.I.R. is 06.12.2021 and petitioner is in custody since 07.02.2022, in this way the



petitioner is not apprehended on spot, 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 Exclusive Special Excise Court No. 1, Muzaffarpur in connection with Kazimohammadpur P.S. Case No. 366 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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