

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22751 of 2022

Arising Out of PS. Case No.-306 Year-2020 Thana- BIRPUR District- Supaul

MD. RUSTAM S/o Md. Basir Miyan R/o village- Ward No. 5, Balua Bazar,
P.S.- Balua Bazar, District- Supaul, State- Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kuldeep Kumar, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Birpur
(Balua Bazar) P.S. Case No.- 306 of 2020 registered for the
offence under Section 30(a) of the Bihar Prohibition and Excise
Act, 2016.

The accused/petitioner is named in the F.I.R. is in
custody since 23.09.2021.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of 381
litres of illicit Nepali Sofi.



Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Sandip Kumar and Sumit Kumar. It has further been submitted that there is no recovery of illicit liquor from the possession of the petitioner and also nothing surfaced during course of investigation, which may connect the petitioner with the alleged recovery. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery has not been made from physical possession of the petitioner, as per FIR.

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Birpur (Balua Bazar) P.S. Case No.- 306 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Additional District and Sessions Judge –
5th cum Special (excise), Supaul, subject to the following
conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Md. Basir Miyan, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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