

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23637 of 2022

Arising Out of PS. Case No.-23 Year-2022 Thana- LAUKAHA District- Madhubani

MD. AKABAR Son of Md. Fudan Resident of Village - Lalmaniya, P.S. -
Lalmaniya, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Shubham

For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-07-2022 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
Laukaha (Lalmaniya) P.S. Case No. 23 of 2022, G.R. No. 37 of
2022 registered for the offences punishable under Sections 272,
273, 290 and 34 of the I.P.C. and Section 30(a) and 37(c) of the
Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 27 litres Nepali country made liquor from the possession of
the petitioner. The petitioner apprehended on spot and others
succeeded in fleeing away from the place of occurrence.

Learned counsel for the petitioner submits that



petitioner is in custody since 24.01.2022 and bears no criminal antecedent. Charge sheet has 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 he has falsely been implicated in this case. Seizure list has not been made as per law.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case 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 Additional Sessions Judge II-cum-Special Judge Excise Act, Madhubani in connection with Laukaha (Lalmaniya) P.S. Case No. 23 of 2022, G.R. No. 37 of 2022, 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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