

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24255 of 2022

Arising Out of PS. Case No.-36 Year-2022 Thana- BASOPATTI District- Madhubani

MD. AMANAT Son of Md. Sahnawaj Resident of village - Nazipur, P.S.-
Basopatti, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha

For the Opposite Party/s : Mr.Md. Mushtaque Alam

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
Basopatti P.S. Case No. 36 of 2022, G.R. No. 240 of 2022
registered for the offences punishable under Section 272, 273,
414 of the Indian Penal Code read with Section 30(a) of the
Bihar Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery
of 36 litres of Nepali Saufi liquor from the motorcycle in
question. The petitioner is alleged to be the driver of said
motorcycle and the petitioner is arrested on spot.

Learned counsel for the petitioner submits that



petitioner is in custody since 17.02.2022. 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 the nothing incriminating article or illicit wine has been recovered from the conscious possession of the petitioner. The petitioner has no relation with the seized motorcycle or with the alleged wine.

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, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner 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 Basopatti P.S. Case No. 36 of 2022, G.R. No. 240 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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