

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25618 of 2022

Arising Out of PS. Case No.-43 Year-2022 Thana- SARMERA District- Nalanda

MD. MISTER ALAM SON OF MD. JASIMUDDIN @ BITTU MIAN @
MOHAMMAD JASIM UDDIN R/O VILLAGE AND P.S.- SARMERA,
DISTRICT- NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indu Bhushan, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing in view of the
COVID 19.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is an accused in connection with
Sarmera P.S. Case No. 43 of 2022 registered under Sections
30(a) of the Bihar Excise & Prohibition (Amendment) Act,
2018.

The allegation against the petitioner is that of
recovery of 10 liters of '*Desi Chulai*' from his house.

Learned counsel for the petitioner submits that
recovery/seizure has been shown to be 10 liters of '*Desi Chulai*



recovered from his house. He further submits that it is not his personal house rather the same is common house in which he along with his brother jointly resides. He further submits that he has been singled out because of the fact that he has criminal antecedent for which he has suffered by being in custody since 26.02.2022 (as stated in paragraph-11 of the bail application).

Considering the fact that the recovery/seizure is from the common house, he is in custody since 26.02.2022 and the charge sheet stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of 4th Additional District & Sessions Judge cum Special Judge, Excise Act, 2nd, Nalanda, Bihar Sharif in connection with Sarmera P.S. Case No. 43 of 2022, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of



bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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