

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26341 of 2022**

Arising Out of PS. Case No.-20 Year-2021 Thana- BARGAINIA District- Sitamarhi

Md. Saddam Son Of Jaharuddin R/O Village- Marpa Kothi (Marpatahir), P.S.-  
Bairgania, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      06-07-2022                      Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Recovery is of 71.4 litres of Nepali liquor.

Earlier, the petitioner has been granted bail vide order dated 23.11.2021 passed in Cr. Misc. No. 29572 of 2021. Thereafter, the petitioner has filed a modification application bearing Cr. Misc. No. 9282 of 2022 for modification of the order dated 23.11.2021 passed in Cr. Misc. No. 29572 of 2021



but the same was dismissed vide order dated 23.02.2022.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that nothing has been recovered from the conscious possession of the petitioner rather recovery has been made from the mango orchard and the petitioner has no concern at all in any manner and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 24.01.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, 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 Court below where the case is pending in connection with Bairania P.S. Case No. 20 of 2021, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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