

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36674 of 2021

Arising Out of PS. Case No.-497 Year-2020 Thana- SAHARSA SADAR District- Saharsa

MD. MASOOM S/O MD. SITUA @ MD. SANJOOR R/O SAHARSA
BASTI, WARD NO.31, P.S. AND DISTRICT-SAHARSA (BIHAR).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 04-01-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 419, 420 and 34 of the Indian Penal Code and sections 30(a), 38(1) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, on information having been received, a raid was conducted. Six accused persons managed to escape. On search, a total of 2522.88 litres of liquor was recovered and the F.I.R. registered. On information, the name of the accused persons including the petitioner herein transpired.

It is submitted by learned counsel for the petitioner that neither the petitioner was arrested at the spot nor any



incriminating article has been recovered from his possession. He has no concern either with the seized liquor nor with the vehicle from which the seizure is alleged to have been made. The petitioner is in custody since 26.11.2020 and has no antecedent under the Bihar Prohibition and Excise Act, 2016. Chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the petitioner having remained in custody for over 1 year, the Court directs the petitioner to be enlarged on bail in connection with Special (Excise) Case no.240 of 2020 (arising out of Saharsa Sadar P.S. Case no.497 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 the learned Additional Sessions Judge II-cum-Special Judge (Excise), Saharsa.

(Partha Sarthy, J)

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