

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28052 of 2022

Arising Out of PS. Case No.-161 Year-2021 Thana- CHANDRAMANDI District- Jamui

Abul Hussain @ Abdul Hussain, Son Of Late Zahid Hussain R/O- Kundro,
P.S.- Ramgarh, District- Ramgarh (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Bihari Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

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

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Chandramandi Case No.161 of 2021, G.R. No.3207 of
2021 instituted under Section 30(a) 36 of the Bihar Excise &
Prohibition Act, 2018.

The prosecution case, in short, is that when the
informant (A.S.I.) was returning from routine patrolling duty, he
saw one Tata Sumo, (registration no.BR20Z0184) coming from
Basuki Tand Chowk side and when the driver of the Tata Sumo
saw the police, he stopped the vehicle and from the car, two
persons tried to flee away but with the help of other police



caught one person. The driver of the Tata Sumo managed to escape. After search, 183 liters whiskey has been recovered/seized from Tata Sumo. Accordingly, seizure list was prepared and FIR lodged.

Learned counsel for the petitioner submits that 183 liters whiskey has been recovered from Tata Sumo and not from the conscious possession of the petitioner. However, despite the aforesaid fact as also that he has no criminal antecedent, he has suffered a lot by being in custody since 05.11.2021 (as stated in para-15 of the bail application).

Considering the aforesaid fact aforesaid that he has no criminal antecedent and is in jail since 05.11.2021 as also that charge sheet stands submitted, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Chandramandi Case No.161 of 2021, G.R. No.3207 of 2021 to the satisfaction of learned ADJ,II-cum-Special Court, Excise,I, Jamui, subject to 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 cancellation of his/her bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his/her presence;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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