

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30467 of 2022

Arising Out of PS. Case No.-115 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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MD. FEKAN @ MOHAMMAD FEKHAN Son of Late Madin Miyan @ Lt.
Md. Maden R/o village - Chhatauna Narayanpur, Ward No.- 04, P.S.- Piprahi,
Dist.- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-08-2022 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 C2
Case No. 115 of 2022 registered for the offences punishable
under Sections 30(a) of the Bihar Prohibition and Excise
Amendment Act.

As per prosecution case, there is alleged recovery
of 468 litres of Nepali Saufi liquor from the vehicle in question.
The petitioner alongwith other co-accused person is
apprehended on spot.

Learned counsel for the petitioner submits that



petitioner is in custody since 21.03.2022. Petitioner bears no criminal antecedent. Prosecution report has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner. The seized Mahindra Bolero Pickup van does not belong to the petitioner. The petitioner has no concern with the alleged recovered liquor.

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, prosecution report 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 Special Judge Exclusive Excise Court – II, Sitamarhi in connection with C2 Case No. 115 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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