

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43055 of 2021

Arising Out of PS. Case No.-59 Year-2021 Thana- SAHARGHAT District- Madhubani

ABDUL KADIR Son of Md. Shamsul Resident of Village- Donar Dilwarpur,
P.S.- Bahadurpur, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Adv
For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

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

Petitioner who is in custody since 09.06.2021 seeks
regular bail in connection with Saharghat P.S. Case No. 59 of
2021 registered for offence punishable under Sections 272, 273
of the I.P.C. and Section 30(a) of the Bihar Prohibition and
Excise Act.

Prosecution case in brief is that altogether 450 litres
of Nepali Saufi liquor was recovered from Maruti Suzuki Zen
bearing Registration No. BR065776 and 225 litres of Nepali
Saufi liquor was recovered from a tempo bearing Registration



No. BR0TPA 6255.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was apprehended on the spot while the seizure was affected however, nothing was recovered from his conscious possession. He further submits that the alleged tempo or the Zen car is not registered in the name of the petitioner neither he is the driver of the aforesaid two vehicles. He further submits that petitioner is in custody since 09.06.2021 and has got no criminal antecedent.

Learned A.P.P., however opposes the prayer for bail.

Considering the above mentioned facts and circumstances of the case and the petitioner having no criminal antecedent as well as nothing having been recovered from his conscious possession, the petitioner is directed to be released on bail after verifying the owner of the aforesaid two vehicles as to whether any of the vehicle is registered in the name of the petitioner and upon furnishing bail bond of Rs. 1,00,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Madhubani in connection with Saharghat P.S. Case No. 59 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.



(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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