

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43549 of 2021

Arising Out of PS. Case No.-229 Year-2021 Thana- GOPALGANJ TOWN District-
Gopalganj

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Dildar Hussain S/o Nurul Hoda @ Noor Hoda Miyan @ Nirodha Miyan R/o
village- Basdila Khas Bazar, P.S.- Gopalganj Town, District- Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Javed Aslam, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

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

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

Petitioner who is in custody since 5.4.2021 seeks
regular bail in connection with Gopalganj Town P.S. Case No.
229 of 2021 registered for the offence punishable under section
30(a), 41(i) of Bihar Prohibition and Excise (Amendment) Act,
2016.

Prosecution case in brief is that on the basis of secret
information altogether 6.05 liters of illicit liquor was recovered
from the house of one Chular Manjhi and 73.800 liters of illicit
liquor was recovered from the buses in front of two independent
witnesses. The seizure list was prepared with respect to alleged



seized liquor.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has nowhere connected with the alleged liquor and he has been apprehended on the basis of local Choukidar who has taken the name of the petitioner due to personal grudge.

Learned counsel appearing on behalf of the State has opposed the prayer for grant of bail to the petitioner.

Considering the above mentioned facts and circumstances of the case and also the fact that nothing has been recovered from the conscious possession of the petitioner and the petitioner having made specific statement that he has been named by the local Choukidar due to enmity, the above named petitioner is directed to be released on bail on furnishing bail bond of Rs. 100,000/- (One lakh) with two sureties of the like amount each to the satisfaction of Additional District and Sessions Judge-II-cum-Special Judge Excise, Gopalganj, in connection with Gopalganj Town P.S. Case No. 229 of 2021 subject to the following conditions:-

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



(2) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers 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.

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

(Purnendu Singh, J)

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