

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36152 of 2022

Arising Out of PS. Case No.-87 Year-2021 Thana- RAHIKA District- Madhubani

Md. Nasim @ Md. Naseem @ Suttu, Son of Md. Taslim, Resident of Ward
No.-06, Rahika, P.S.- Rahika, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Rahika P.S. Case No. 87 of 2021 registered for
the alleged offences under Sections 272, 273, 34 of the Indian
Penal Code and Sections 30 (a), 45 of the Bihar Prohibition and
Excise Act.

As per the prosecution case, the police received
information about the petitioner and other two co-accused
persons storing huge quantity of liquor in one Mithila Udyog
Bhawan and on search total 791.640 litres of India made foreign



liquor was recovered.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He was not apprehended from the spot and nothing incriminating has been recovered from his person or possession. The petitioner has no concern with the recovered illicit liquor. The petitioner is accused in another case also, but he is on bail. The petitioner is in custody since 11.05.2022.

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

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his person or possession and further considering the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani, in connection with Rahika P.S. Case No. 87 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not



already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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