

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37281 of 2022

Arising Out of PS. Case No.-173 Year-2021 Thana- JADOPUR District- Gopalganj

Mainuddin Ansari @ Menaddin Miyan, Son of Moharam Miyan, R/O- Vill-
Baraepatti, P.S.- Jadopur, Dist.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhramveer, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-09-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Dhramveer, learned counsel for the petitioner and learned APP for the State through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Jadopur P.S. Case No. 173 of 2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, it is alleged that the police on a secret information raided the house of one Ajay Kunwar and on search total 120.96 litres of Indian made foreign liquor was recovered. Further from the Palani of the petitioner 60.48



litres of illicit wine has also been recovered.

Learned counsel for the petitioner submits that the alleged recovery has been made from a Palani, which is used for keeping Bhusa for cattle and not used for residence and the same is without any door and open from all the sides. He next submits that the name of the petitioner has been implicated on mere suspicion and the petitioner, having fair antecedent, is in custody since 10.11.2021. However, during the pendency of the present application, on account of the bereavement of his mother, he was granted provisional bail and in compliance thereof, after attending the funeral (Shradh) of his mother, he himself surrendered on 05.05.2022 and since then, he is in custody. The counsel for the petitioner submits that there is error of record in the impugned order, showing the period of custody since 05.05.2022, though the petitioner is in custody since 10.11.2021.

On the other hand, learned APP for the State opposed the bail application.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the recovery has been made from the Palani, which is situated at an open place, accessible to all and, moreover, the petitioner, having fair



antecedent, is in custody since 10.11.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Exicse Court-I, Gopalganj in connection with Jadopur P.S. Case No. 173 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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