

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45195 of 2021**

Arising Out of PS. Case No.-71 Year-2021 Thana- MUSAHARI District- Muzaffarpur

Ankit Kumar S/o Anutha Sah R/o village- Nayagaon, P.S.- Mushahari, Distt.-
Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 11-01-2022 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 28.3.2021 seeks
regular bail in connection with Mushahari P.S. Case No. 71 of
2021 registered for the offence punishable under sections
272/273/34 of the Indian Penal Code and Section 30(a) of Bihar
Prohibition and Excise Act.

Prosecution case in brief is that altogether 31.125
liters of illicit liquor was recovered near the toilet of the house
of the petitioner.

Learned counsel for the petitioner submits that
nothing has been recovered from the conscious possession of
the petitioner and the alleged liquor was recovered from weed.



The petitioner has no concern with the said liquor and he has clean antecedent,

The petitioner is in custody since 28.3.2021.

The learned counsel for the State has opposed the prayer for bail to the petitioner.

Having considered above mentioned facts and circumstances of the case and the petition having not any criminal antecedent and he is in custody since 28.3.2021 and also considering the fact that though the said liquor was recovered from the premises of the petitioner yet from the seizure list it appears that no independent witness has signed the seizure list neither the same has been prepared in front of the petitioner, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 100,000/- (One lakh) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur, in connection with Mushahari P.S. Case No. 71 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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