

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45080 of 2021

Arising Out of PS. Case No.-5 Year-2017 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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SADDAM NADDAF @ SADAM NADAPH Son of Yusuf Maddaf @ Yusuf
Nadaph Resident of Village - Loma, P.S. - Gaighat, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Inspector General of Police, Economic offence Unit, Patna. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Abhay Kumar
For the State	:	Mr.Ganesh Prasad Singh
For E.O.U.		Mr. V.N.P. Sinha, Sr. Adv.
		Mrs. Soni Shrivastava, Adv.

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

- 3 18-05-2022 The applicant/accused in Special Case No. 1194 of 2017 arising out of Economic Offence, Patna Case No. 05 of 2017 registered for the offences punishable under Sections 272, 273, 467, 468, 471, 414, 120B/34 of the Indian Penal Code as well as Sections 30(a), 38, 41 of Bihar Excise and Prohibition Act, 2016, by this application is seeking his release on bail during pendency of the trial after rejection of his first bail application vide order dated 12.02.2021.

Heard both sides.

The learned Prosecutor appearing for the respondent vehemently argued that applicant is having one criminal



antecedent and a big haul of liquor came to be seized in the raid conducted by the excise department.

I have considered the submissions so advance and also perused the material placed before me. Earlier bail application of the applicant was rejected with liberty to him to renew his prayer on completion of one year of custody by the Co-ordinate Bench of this court. Period of one year has already been lapsed.

The learned counsel for the applicant submits that the trial has not proceeded an inch ahead.

Evidence against the present applicant comprises of confessional statement of Nishant Singh @ Sonu recorded in the FIR itself by the police. This confessional statement reflected in the FIR is to the effect that the applicant is also one amongst at least 24 other persons who indulges in illicit liquor.

Considering the nature of evidence available against the applicant, his further pre-trial detention is not warranted though it is averred that there is one antecedent against him. Therefore the order :-

- i. The application is allowed.
- ii. The applicant/accused in Special Case No. 1194 of 2017 arising out of Economic Offence P.S. Case No. 05



of 2017 registered for the offences punishable under Sections 272, 273, 467, 468, 471, 414, 120B/34 of the Indian Penal Code as well as Sections 30(a), 38, 41 of Bihar Excise and Prohibition Act, 2016, be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections



forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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