

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37407 of 2022

Arising Out of PS. Case No.-120 Year-2022 Thana- LAUKAHI District- Madhubani

Md. Yusuf @ Md. Isuf, Son of Md. Hanif, Resident of village - Gadhiya
(Dakahi) Ward No.- 2, P.S.- Andhramath, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of 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 Laukahi (Narhiya) O.P. P.S. Case No. 120 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, police received secret information about two motorcycles rider- liquor smugglers bringing liquor from Andhramath to Nirmali. The petitioner was apprehended with his motorcycle and from the sack loaded on this motorcycle, 135 litres of country made Nepali liquor was



recovered and other co-accused fled away from the spot leaving behind his motorcycle and 120 litres country made Nepali liquor was recovered from the sack loaded on the motorcycle.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. He has nothing to do either with seized motorcycle or with the seized liquor. He has been made accused due to highhandedness of the police. The seized motorcycle does not belong to this petitioner and no recovery has been made from the conscious possession of this petitioner. Charge-sheet has been submitted and the petitioner is in custody since 24.05.2022.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender.

Having regard to the submissions made on behalf of the parties and considering the submission of charge-sheet and period of custody of this petitioner, the petitioner above named 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 Special Judge, Excise Act, Jhanjharpur in connection with Laukahi (Narhiya) O.P. P.S. Case No. 120 of 2022, subject to the condition mentioned in Section 437(3) of the Cr.P.C. and other 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 Shahida Khatun, wife of the petitioner, who has sworn the affidavit.

(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)

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