

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37445 of 2022

Arising Out of PS. Case No.-378 Year-2020 Thana- DALSINGHSARAI District- Samastipur

SOMITULLA @ TANVIR @ TULLA S/O MD. NIZAMUDDIN Resident of
Village- East Matiyari Ward No- 12, P.S.- Dalkolha @ Dhalkola Uttar,
District- Uttar Dinajpur, West Bengal.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 13-10-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Dalsinghsarai P.S. Case No. 378 of 2020 registered for the
offences punishable under Sections 420, 467, 468, 471, 120B,
34 of the I.P.C. and Sections 30(a) and 41(1) of the Bihar
Prohibition and Excise Amendment Act, 2016.

As per prosecution case, there is alleged recovery
of 2691 liter foreign liquor from the truck in question. There is
allegation against the petitioner that he was indulged in trade of
illicit liquor as disclosed by the apprehended co-accused



Parminder Singh. The petitioner is not apprehended on spot.

Learned counsel for the petitioner submits that petitioner is in custody since 09.05.2022. Petitioner bears criminal antecedent of eight cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing has been recovered from the possession of the petitioner. There is no compliance of Section 100 Cr.P.C.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Samastipur in connection with Dalsinghsarai P.S. Case No. 378 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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