

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46912 of 2021

Arising Out of PS. Case No.-279 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

TAHIR Son of Late Naseerudin Marhum Resident of Village- Dhuniya Tola,
Ward No. 1, P.S.- Baigania, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ayush Kumar, Adv
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 12-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 09.06.2021 seeks
regular bail in connection with Excise C2 Case No. 279 of 2021
registered for offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

Prosecution case in brief is that petitioner was
apprehended by S.S.B. personnel along with 750 bottles of
Nepali saufi wine total quantity being 225 litres while the same
was being smuggled from Nepal to India. The petitioner has



confessed his involvement in the present case.

Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in the present case. In fact, the other co-accused has thrown away the bags and the petitioner was simply passing from that place and instead of apprehending the real culprit the petitioner was arrested by the SSB personnel and he was forced to put his signature and to give his confessional statement before the police authority. He further submits that petitioner is in custody since 09.06.2021 and has got no criminal antecedent.

Learned A.P.P. has opposed the prayer for bail.

Considering the facts and circumstances of the case as well as there is no allegation of tampering the evidence or influencing the witness against the petitioner, the petitioner above named is directed to be enlarged to bail upon furnishing bail bond of Rs. 1,00,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-II cum Special Judge, Excise Act, Sitamarhi in connection with Excise C2 Case No. 279 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the court



concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) 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.

(iv) 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 bond.

(Purnendu Singh, J)

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