

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38328 of 2022

Arising Out of PS. Case No.-86 Year-2021 Thana- PHULWARIA District- Begusarai

Simmutulla @ Tulla S/O Md. Nizamuddin Resident Of Village- East
Matiyari, Ward No.- 12, P.S.- Dalkolha @ Dhalkola Uttar, District Dinajpur,
West Bengal.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Adv

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-09-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Fulwaria P.S. Case No. 86 of 2021 for the
offences punishable under Sections 420,467,468,471,120B,
34 and section 30(a), 36, 41(1) (ii) of the Bihar Prohibition
& Excise Amendment Act.

The police on a secret information, intercepted a
truck bearing Registration no. DL1GC4271 carrying illicit
liquor and on search 909 liters Indian made foreign liquor



was recovered and one Pramod Kumar, who is said to be driver of the truck was arrested and he disclosed the name of the petitioner as owner of the illicit liquor.

Learned counsel for the petitioner submits that the petitioner was neither arrested at the spot nor any incriminating article has been recovered from person or possession and save and except the disclosure made by the co-accused, there is no other material which suggests the complicity of the petitioner in the alleged crime. However, apprehended co-accused, who has disclosed the name of the petitioner has already been granted bail in Cr. Misc. No. 5559 of 2022 vide order dated 03.08.2022. He next submits that the petitioner is in custody since 10.05.2022 as has been stated in the supplementary affidavit.

On the other hand, learned counsel for the State opposed the bail application and submits that petitioner has multiple criminal antecedent.

Regard being had to the submission made on behalf of the parties and considering the fact that petitioner was neither arrested at the spot nor any incriminating material has been recovered from person or possession and



save and except the criminal antecedent of the petitioner, there is no other material, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-I Begusarai in connection with Fulwaria P.S. Case No. 86 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal



antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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