

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38762 of 2022

Arising Out of PS. Case No.-122 Year-2022 Thana- PHULPARAS District- Madhubani

MD. SAKIR Son of Phul Mohammad Resident of Village - Sisbar, P.S.-
Phulparas, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman,. APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 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 through
video conferencing.

Petitioner seeks bail in a case registered in
connection with Phulparas P.S. Case No. 122 of 2022 for
the offences punishable under Sections 30(a), of the Bihar
Excise (Prohibition) Amendment Act.

As per the prosecution case, it is alleged that in
course of vehicle checking, the police intercepted a truck
and other motorcycles and on search total 1800 liters of
illicit liquor was recovered. It is further alleged that the



driver and the co-driver were arrested at the spot, who disclosed the name of other co-accused persons including the petitioner.

Learned counsel for the petitioner submits that the petitioner was neither arrested at the spot nor any incriminating article has been recovered from the person and possession of the petitioner. Save and except the disclosure made by the co-accused Sandeep Rai, there is no other material against the petitioner suggesting his complicity. He further submits that the petitioner having fair antecedent is in custody since 03.05.2022, apart from that other co-accused persons have already been granted bail by different Benches of this Court.

On the other hand, learned counsel for the State opposed the bail application.

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 persons or possession and save and except the disclosure made by the co-accused persons, there is no other material, apart from the petitioner



having fair antecedent is in custody since 03.05.2022, 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 Special Judge, Excise, Jhanjharpur, Madhubani in connection with Phulparas P.S.Case No.122 of 2022 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.

(Harish Kumar, J)

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