

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48164 of 2021**

Arising Out of PS. Case No.-131 Year-2021 Thana- VIJAYEPUR District- Gopalganj

FIROZ SAH Son of Safir Sah Resident of Village- Matiyari, P.S.- Vijayepur,
District- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baijnath Sah

For the Opposite Party/s : Mr.Syed Ehteshamuddin

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

3 02-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner, who is in custody since 02.07.2021,
seeks regular bail in connection with Vijayepur P.S. Case No.
131 of 2021, for the offence punishable under Section 30(a) of
the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case, in brief, is that altogether 38
litres of country made liquor recovered from the motorcycle
bearing registration No. UP52BC-9412.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is innocent and he has falsely been
implicated in this case. He further submits that nothing has been



recovered from the possession of the petitioner. He further submits that the name of the petitioner has been disclosed by the arrested person stating that the alleged motorcycle belongs to the petitioner.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, the Court below is directed to obtain a report from the District Transport Officer, Gopalganj with respect to motorcycle bearing registration No. UP52BC-9412 and if it is found that the said motorcycle is not stolen one and is not plying in the State of Bihar on fake number and the petitioner is not connected in any manner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 1,00,000/- (Rs. One Lakh) with two sureties of the like amount each to the satisfaction of the learned A.D.J-II-Gopalganj in connection with Vijayepur P.S. Case No. 131 of 2021, subject to the condition that the petitioner will make his attendance before the S.H.O. of the concerned Police Station on every Saturday of the month at 9.00 A.M and the S.H.O is required to send attendance of the petitioner, on monthly basis, to the concerned Superintendent of Police till the conclusion of



the trial, if there is even a single day default, the bail bonds of the petitioner shall, automatically, be cancelled as well as subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

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

(3) 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.

(4) 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 bonds.

(Purnendu Singh, J)

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