

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47543 of 2021**

Arising Out of PS. Case No.-41 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhagalpur

MD YUSUF ALAM @ MD YUSUF Son of Md. Illias Alam Resident of
Village - Sadruddinchak, P.S.- Habibpur, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar
For the Opposite Party/s : Mr. Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 13-01-2022 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 16.03.2021 seeks
regular bail in connection with Excise P.S. Case No. 41 of 2021
registered for offence punishable under Section 30(a), 38(i) of
the Bihar Prohibition and Excise Act, 2016.

Prosecution case in brief is that on the basis of secret
information, police team stopped a vehicle bearing Registration
No. BR10W-8207 coming from Ratonganj and upon seeing the
police, the driver of the aforesaid vehicle tried to flee however,



he was apprehended and on search of the vehicle, 108 litres of foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submits that the main accused Anmol Kumar Mishra has fled away from the place of occurrence while the petitioner being driver of the said vehicle was apprehended on the spot showing recovery of total 108 litres of foreign liquor even though he was only assigned to deliver the said goods without giving knowledge by the owner (Anmol Kumar Mishra) of the said vehicle.

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 and there is no likelihood of trial to be concluded in the near future, the petitioner above named is directed to be enlarged to bail upon furnishing bail bond of Rs. 2,00,000/- (Rupees Two Lacs) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-Cum-Special Judge (Excise Act), Bhagalpur in connection with Excise P.S. Case No. 41 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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