

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40230 of 2022

Arising Out of PS. Case No.-180 Year-2020 Thana- KOCHADHAMAN District- Kishanganj

MUBARAK HUSSAIN @ MOBARAK HOSSAIN S/o Altab Ali Resident of
Village - uttar Rampur, P.s.- chakulia, Distt.- Uttar Dinajpur (West Bengal).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nityanand, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-08-2022 Heard Mr. Pawan Kumar Singh, learned counsel for
the petitioner and Mr. Nityanand, learned Additional Public
Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with Spl.
(Excise) Case No. 175 of 2020 arising out of Kochadhaman P.S.
Case No. 180 of 2020 registered for the offences punishable
under Section 30(a) of Bihar Prohibition & Excise
(Amendment) Act, 2016.

This is second attempt for grant of regular bail on
behalf of the petitioner inasmuch as earlier the bail application
of the petitioner was rejected by this Court vide order dated
29.04.2022 passed in Cr. Misc. 52199 of 2021 with liberty to
renew his prayer for grant of regular bail after completion of one



year of his custody.

The allegation as per the First Information Report is that the Police on the basis of secret information proceeded towards the place of occurrence and intercepted a Honda City Car bearing Registration No. DL4CAB-6406 and recovered 202.500 litres of foreign liquor from the same. The petitioner stated that the said Honda City car belongs to one Ankesh of Triveniganj.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and he is neither the driver nor the owner of the Honda City car. He referring to paragraph-12 of this petition submits that petitioner is continuously being implicated in such cases by the Police due to the fact that he had made complaint before the high officials with regard to sale and purchase of the illegal wine by local Police. The petitioner is in custody since 22.07.2021 and charge sheet has already been submitted.

Regards being had to the submissions made by the parties and taking into consideration the materials on record, the fact that the petitioner has remained in custody since 22.07.2021 i.e. for more than one year, charge sheet has already been



submitted and this is second attempt for grant of regular bail on behalf of the petitioner, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II cum Special Judge (Excise), Kishanganj, in connection with Spl. Excise Case No. 175/2020 arising out of Kochadhaman P.S. Case No. 180 of 2020.

(Anil Kumar Sinha, J)

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