

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45087 of 2022

Arising Out of PS. Case No.-106 Year-2022 Thana- PIYAR District- Muzaffarpur

1. Md. Mustafa, Son of Md. Mostakim, Resident of Village- Piar, P.S.- Piyar, Distt.- Muzaffarpur.
2. Md. Ashique, Son of Md. Gaffoor, Resident of Village- Shankarpur, P.S.- Sakra, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mani Bhushan Kumar, Advocate

For the Opposite Party/s : Mr. M. K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 14-10-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Mani Bhushan Kumar, learned counsel for the petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Piyar P.S. Case No. 106 of 2022 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

The police on a secret information, conducted raid and on search total 40 litres of illicit adulterated fermented toddy was recovered from the house of co-accused Md. Muslim. However, on noticing the police party, the other co-accused



persons, including the petitioners, succeeded in fleeing away.

Learned counsel appearing on behalf of the petitioners submits that the petitioners were neither apprehended at the spot nor any incriminating material has been recovered from their person or possession. He next submits that from the F.I.R., it is evident that the alleged recovery has been made from the house of Md. Muslim and, moreover, the petitioners, having clean antecedent, are in custody since 19.05.2022, and now the investigation of the crime is already complete and charge-sheet has been submitted

On the other hand learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from the house of Md. Muslim, and so far the petitioners are concerned, they were neither apprehended at the spot nor any incriminating material has been recovered, though the petitioners, having fair antecedent, are in custody since 19.05.2022, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection



with Piya P.S. Case No. 106 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

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

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

(iii) They 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, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

