

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45595 of 2022

Arising Out of PS. Case No.-98 Year-2022 Thana- GAUTAMBUDHNAGAR District- Siwan

Kalamuddin Mian Son Of Late Ibrahim Mian R/O Village- Srinagar, P.S.-
G.B.Nagar, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with G.B. Nagar P.S. Case No. 98 of 2022 registered
for the alleged offences under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

Allegedly, recovery of 58.50 litres of India made
foreign liquor and 31.140 litres of country made liquor was
made from a tempo. The petitioner was named by the people
present at the spot who fled away on seeing the police.

The learned counsel for the petitioner submits that
petitioner was not apprehended from the spot and nothing



incriminating has been recovered from his conscious possession. The tempo in question does not belongs to this petitioner. The petitioner is in custody since 30.06.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that petitioner was not apprehended from the spot and no recovery has been shown from his conscious possession and also considering the period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Siwan in connection with G.B. Nagar P.S. Case No. 98 of 2022, subject to the condition mentioned in Section 437(3) of the Cr.P.C. and other the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each



and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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