

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46012 of 2022

Arising Out of PS. Case No.-408 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhubani

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MD. GUDDU Son of Md. Jamaluddin Resident of Village - Atari,
Maharajganj, Ward No.- 9, P.S. - Laukahi, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate.
For the Opposite Party/s : Ms. Rita Verma, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-10-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Jitendra Kumar Bharti, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with G. O. Case No. 408 of 2022 registered
for the offences punishable under Section 30 (a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

The allegation against the petitioner is to be
engaged in trafficking of illicit liquor. The police conducted a
raid and in course of search altogether 199.96 litres Indian made



foreign liquor was recovered from the hut of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that from the tenor of the F.I.R. and the seizure list, it would be evident that the alleged recovery has been made from an abandon hut where woods were kept and not used for residence or storage. It is also submitted that there is no compliance of Section 100 of the Cr.P.C., apart from the defiance of Sections 81 and 82 of the Bihar Prohibition and Excise Act. It is further submitted that the recovery has been made from an abandon hut, which was not within the exclusive possession of the petitioner rather it has been used for the purposes of keeping the woods but only on account of past criminal antecedent of petitioner of similar nature, his name has been implicated in this case, though, the investigation of the crime is already complete and the charge sheet has been submitted and moreover, the petitioner is in custody since 23.06.2022.

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 taking into account the fact that the investigation of the crime is already complete and the charge



sheet has been submitted and there is no likelihood of commencement of trial in near future and as such, keeping the petitioner behind the bar would serve no further purpose, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge- II-cum-Special Judge Excise Act, Madhubani in connection with G. O. Case No. 408 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He 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, his bail bonds will liable to be cancelled.
- (v) The Court below shall verify the criminal



antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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