

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48070 of 2022**

Arising Out of PS. Case No.-79 Year-2022 Thana- SAKRA District- Muzaffarpur

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GULAM ALI S/O LATE MD. SAFI @ SAFIK Resident of village- Ganipur
Bejha, Sirajabad, P.S.- Sakra, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hemant Kumar

For the Opposite Party/s : Mr.Pronoti Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 27-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with G.R.
No. 263 of 2022 arising out of Sakra P.S. case no. 79 of
2022, registered for the offences punishable under Sections 272,
273, 120B, 420, 467, 468 and 471 of the I.P.C. and Sections
30(a), 36 and 41(i)(ii) of the Bihar Prohibition Excise Act, 2018

As per prosecution case, there is alleged recovery
of 2131.08 litre foreign liquor from the vehicles in question and
apprehended co-accused persons disclosed the name of
petitioner and others who fled away from the place of
occurrence.



Learned counsel for the petitioner submits that petitioner is in custody since 19.06.2022 and bears criminal antecedent of one case of similar nature. He further submits that petitioner is not apprehended on spot and basically nothing has been recovered from the conscious possession of the petitioner. The name of petitioner transpired upon the confessional statement of apprehended co-accused and except confessional statement there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. Petitioner is neither owner nor driver of vehicles in question. He also submits that similarly situated co-accused, Raja Thakur and Rakesh Mahto have already been granted bail vide Cr. Misc. No. 41826 of 2022 and 47034 of 2022 respectively and the case of present petitioner stands on better footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on spot, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Muzaffarpur, District Muzaffarpur in connection with G.R. No. 263 of 2022 arising out of Sakra P.S. case no. 79 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

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