

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63518 of 2021

Arising Out of PS. Case No.-184 Year-2021 Thana- HARLAKHI District- Madhubani

MD. SALMAN Son of Md. Bechan Nadaf Resident of Village - Gangaur, P.S.
Harlakhi District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 06-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Harlakhi P.S. Case No. 184 of 2021, for the offence punishable
under Section 272, 273 and 414 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2018.

The prosecution case, in brief, is that the petitioner
was apprehended while he was pulling some articles with the
help of rope and was also found loading the same on the
motorcycle bearing registration No. BR32AH-0762. On search,
altogether 135 litres of Nepali Sofi wine was recovered from the
said motorcycle.



Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that nothing has been recovered from his physical possession, rather, the motorcycle from which huge quantity of liquor was recovered is also not registered in the name of petitioner, the same is stolen one and petitioner has been roped in the present case just because he was near the well. The petitioner has clean antecedent and he is in custody since 08.07.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He further submits that trade of illicit liquor is rampant in the State of Bihar and often hooch tragedy is being occurred due to consumption of illicit liquor by the people at large and as such petitioner is involved in heinous crime and he does not deserve to be released on bail.

Considering the aforementioned facts and circumstances of the case and the allegation made in the F.I.R. as well as period of custody undergone by the petitioner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 2,00,000/- (Rs. Two Lakh) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II-cum-Special Judge, Excise Act,



Madhubani in connection with Harlakhi P.S. Case No. 184 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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