

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68859 of 2021**

Arising Out of PS. Case No.-283 Year-2021 Thana- BIRPUR District- Supaul

JOHAK ALI S/o Aktar Ali @ Akhtar Ali R/o village- Kataiya, P.S.- Birpur  
(Bhimnagar O.P.), District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Nagendra Upadhyay  
For the Opposite Party/s : Mr.Dashrath Mehta

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      20-05-2022                      Heard learned counsel appearing on behalf of the  
petitioner and learned A.P.P. for the State.

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

The petitioner seeks regular bail in connection with  
Birpur (Bhimnagar O.P.) P.S. Case No. 283 of 2021 for the  
offence punishable under Section 30(a) of the Bihar Prohibition  
and Excise Act.

On secret information, a raid was conducted at  
Kataiya 22-RD Chawk, Birpur, Supaul. The accused persons  
fled away from the place of occurrence, however from a bag, 9  
litres of Nepali country made liquor was recovered.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner is innocent and he has falsely been implicated in this case. Nothing has been recovered from conscious possession of the petitioner or from his house rather the petitioner has been roped in the present case by the police authority without any illicit liquor to have been recovered from his possession. Petitioner is in custody since 19.09.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submits that the trade of illicit liquor is rampant in the State of Bihar. In spite of complete prohibition in the State, due to consumption of illicit liquor, people at large are dying everyday and they are suffering from various physical disorder, as such it would not be in public interest to release the petitioner on bail.

Considering the aforementioned facts and circumstances of the case and period of custody undergone by the petitioner, without going into the merits of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of **Rs.25,000/- (Rupees twenty five thousand)** with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II cum Special Judge, Excise, Supaul in connection with Birpur (Bhimnagar O.P.) P.S. Case No. 283 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 Para-3 of the bail petition, this order will automatically loose its force.**

**(Purnendu Singh, J)**

mantreshwar/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

