

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71995 of 2021

Arising Out of PS. Case No.-169 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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Sultan Nadaf @ Sulta Nadaph Son of Habib Nadaf Mahrum @ Habeed Nadaf
@ Havib Nadaph, Resident Of Village - Ward No.10, Sirsiya Bazaar, Sirsian,
P.S.- Bela, Distt.- Sitamarhi.

... .. Petitioner/S

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ayush Kumar

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 22-07-2022 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 in virtual court proceeding.

The petitioner seeks regular bail in connection with
G.O. Case No. 169 of 2021 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act, 2018.

As per prosecution case, there is alleged recovery of
27 litre country made liquor from Indo-Nepal Border and
petitioner was apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 06.10.2021 and bears no criminal



antecedent. Prosecution Report has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that petitioner is quite innocent and has committed no offence as alleged against him , and further submitted that he was coming from the Nepal after attending his cousin's birthday when he had been apprehended for no reason. It has been further submitted that he has been falsely implicated in this case.

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

Considering the facts and circumstances of the case, period of custody, keeping in view the clean antecedent, prosecution report has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-II-cum Special Judge, Excise Act, Sitamarhi in connection with G.O. Case No. 169 of 2021 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)

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