

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60524 of 2022

Arising Out of PS. Case No.-116 Year-2021 Thana- KATEYA District- Gopalganj

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Saifudin Ali @ Saifudin @ Bablu, Son of Sufiyan Ali @ Sufiyan Miyan
Resident of village - Kalyanpur, P.S. - Bhorey, District – Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anshul, Advocate
		Mr.Mohammad Sufyan, Advocate
For the Opposite Party/s :		Mr.Raj Ballabh Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-11-2022 Heard Mr. Anshul, learned counsel along with Mr. Mohammad Suyfyan, learned counsel appearing on behalf of the petitioner and Mr. Raj Ballabh Singh, 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 Kateya P.S. Case No. 116 of 2021, for the offence punishable under Section 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 in course of checking of vehicle, altogether 444.50 litres of illicit liquor of different brands were recovered from the Bolero vehicle bearing registration No. BR29K-0273.



It is submitted by learned counsel appearing on behalf of the petitioner that earlier the petitioner was released on bail vide order dated 04.01.2022 passed in Criminal Miscellaneous No. 39266 of 2021. However, the petitioner could not be released on bail as one case was pending against him, which led to non-acceptance of bail bond and filing of modification petition bearing Criminal Miscellaneous No. 10646 of 2022 for modification of the said order, but the same was dismissed as withdrawn vide order dated 18.05.2022. Thereafter, petitioner preferred regular bail before the learned Court below, which was rejected vide order dated 11.10.2022. Learned counsel further submits that this Court has perused the allegations made against the petitioner in the F.I.R. and was pleased to release the petitioner on bail on conditions as mentioned in the order dated 04.01.2022 passed in Criminal Miscellaneous No. 39266 of 2021. In the present bail application, the petitioner has made correct statement in para-3 and as such it would be in the interest of justice, the petitioner be released on same terms and conditions as mentioned in the order dated 04.01.2022 passed in Criminal Miscellaneous No. 39266 of 2021.

However, learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.



Considering the rival submissions of the parties, the petitioner was released on bail in connection with Kateya P.S. Case No. 116 of 2021 vide order dated 04.01.2022 passed in Criminal Miscellaneous No. 39266 of 2021. On perusal of the impugned order 11.10.2022, it appears that vehicle bearing registration No. BR29K-0273, as per the report submitted by the District Transport Officer, Gopalganj dated 21.09.2022 contained in letter No. 1474, has registered in the name of one Fatma Khatoon, W/o Islam Ansari Mian, Resident of Ojhawalia, P.O-Mela Dharahara, P.S. Kateya, District-Gopalganj and the reported submitted by the Excise Superintendent vide letter No. 3099, dated 08.10.2022 shows that no excise case is pending against the petitioner. The petitioner has made correct statement in para-3 of the bail application and as such petitioner has made out a case to be released on bail.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge Excise Court-I, Gopalganj in connection with Kateya P.S. Case No. 116 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.

(Purnendu Singh, J)

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