

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61716 of 2022

Arising Out of PS. Case No.-66 Year-2021 Thana- GHOGHARDIHA District- Madhubani

Md. Somitulla S/O Md. Nizamuddin Resident of village- East Matiyari, Ward no- 12, P.S.- Dalkolha @ Dhalkola Uttar, District- Uttar Dinajpur, West Bengal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar

For the Opposite Party/s : Mr. Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 16-12-2022

Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Goghardiha P.S. Case No. 66 of 2021, registered for the
offences punishable under Sections 272, 273, 420, 414,
467, 468, 34 of the Indian Penal Code and Section 41(i)(ii)
of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per allegation, 2001 liters of liquor has been
recovered from different vehicles.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in



this case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that the provisions of Section 100(4) of the Cr. P.C. has not been complied while making the search and seizure.

The petitioner has been languishing in jail since 05.07.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner has been made accused in Nine more cases.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Exclusive Special Excise Court,



Jhanjharpur in connection with Goghardiha P.S. Case No. 66 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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