

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3181 of 2023

Arising Out of PS. Case No.-411 Year-2022 Thana- ARA MUFFSIL District- Bhojpur

Md. Rustam, Son of Late Ataula Resident of Village- Ara Chaudhriyana
Sindicate, P.S.- Ara Nagar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-04-2023 Heard Mr. Shiv Prasad Gupta, learned counsel

appearing on behalf of the petitioner and learned Additional

Public Prosecutor for the State.

The petitioner seeks bail, who is in custody, in
connection with Ara Mufassil P.S. Case No. 411 of 2022,
registered for the offences punishable under Section 30(a) of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

The police in course of vehicle checking intercepted a
Tempo, wherein the petitioner was found seated and on search
250 litres of country-made wine was recovered.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner was a *bona fide* passenger and has
nothing to do with the Tempo nor with the alleged recovered
illicit wine. Further submission has been made that the



petitioner having fair antecedent is in custody since 30.11.2022, apart from the fact that after completion of the investigation, charge-sheet has been submitted. He next submitted that though the seizure has been made in a public place, however, there is no independent witness to the same.

On the other hand, learned APP for the State opposed the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the recovery of illicit wine, has been made from a Tempo, which was run for the purposes of carrying passengers and the investigation is complete, coupled with the fair antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1st, Bhojpur at Ara in connection with Ara Mufassil P.S. Case No. 411 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of



trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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