

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 35660 of 2023

Arising Out of PS. Case No.-301 Year-2022 Thana- PANCHRUKHI District- Siwan

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GULAM MUSTFA @ MASOOM ALI S/O LAL MOHAMMAD @ LAL
MAHAMAD SAH @ LAL MAHAMAD R/O Village- Chaumukha, P.S-
Pachrukhi, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Kanhaiya Kishore (App.100), APP.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-06-2023 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

The petitioner seeks bail in connection with Pachrukhi
P.S. Case No. 301 of 2022 registered for the offences punishable
under Sections 30(a)/41(I) of the Bihar Prohibition and Excise
Act.

As per prosecution case, there is alleged recovery of
87.200 litres country made liquor from a Tempo. Petitioner is
not apprehended on spot. Local Chaukidar disclosed the name
of present petitioner and others who fled away from the place of
occurrence.

Learned counsel for the petitioner submits that petitioner
is quite innocent and has committed no offence as alleged in the



F.I.R. The alleged Tempo does not belong to the petitioner. His name has been dragged in this case merely on suspicion. Nothing was recovered from the conscious possession of the petitioner. He was not apprehended on spot. Petitioner is in custody since 10.04.2023 and bears two criminal antecedents of similar nature in which he is on bail.

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

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on spot, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. Special Excise Court-1, Siwan , in connection with Pachrukhi P.S. Case No. 301 of 2022, 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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