

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35355 of 2023

Arising Out of PS. Case No.-209 Year-2022 Thana- BAUNSI District- Banka

MD. SAMSUL @ MOHAMMAD SAMSUL S/O MD. HAIDAR @ MD.
HAIDER R/O Village- Brindawan, Ward No. 9, (Rampur), P.S- Matihani,
Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Begusari

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam
For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-06-2023 Heard the parties.

The petitioner seeks bail in connection with Special Excise Case No. 810/2022 (Spited Special Excise Case No. 810(A)/2022) in connection with Bounsi P.S. Case No. 209/2022 (Spited Bounsi P.S. Case No.209 (A) registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery of total 4039.2 liters foreign liquor from truck in question. It is alleged that petitioner made communication with apprehended co-accused persons on mobile. It is further alleged that petitioner is a member of gang who is involved in the illegal business of selling illicit liquor. The petitioner was not apprehended on the spot.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 27.02.2023 and bears criminal antecedent of four cases out of which two cases of similar nature and in all cases he is on bail. Co-accused persons Mohan Kumar and others have already been granted bail by different co-ordinate Benches of this Court as mentioned at Annexure-2 of the bail petition and the case of present petitioner stands more or less on similar footing.

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

Considering the facts and circumstances of the case, period of custody, co-accused persons have already been granted bail, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II, Banka in connection with Special Excise Case No. 810/2022 (Spited Special Excise Case No. 810(A)/2022) in connection



with Bounsi P.S. Case No. 209/2022 (Spited Bounsi P.S. Case No.209 (A), 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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