

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40782 of 2023

Arising Out of PS. Case No.-36 Year-2023 Thana- JHANJHARPUR District- Madhubani

Md. Mustakim Nut @ Mustakim Nat Son of Late Sadique Nut Resident of
Village Ishlampur, Ward No. 11, P.S. Jhanjharpur, Distt.-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivnandan Bharti, Advocate

For the Opposite Party/s : Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-07-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a
period of four weeks from today.

3. The petitioner seeks bail in connection with
Jhanjharpur P.S. Case No. 36 of 2023 arising out of G.R. No.
128/2023 registered for the offence under Sections 272, 273 of
the Indian Penal Code and under Section 30(a) of the Bihar
Prohibition and Excise Act.

4. The accused/petitioner is named in the F.I.R. and
is in custody since 03.05.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 396 litres of IMFL/country made liquor
from open field.



6. Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor appears to be made from an open place and furthermore the recovered motorcycle does not belong to him. It is submitted that nothing surfaced during the course of investigation to connect petitioner with alleged motorcycle or illicit liquor. It is further submitted that seizure list is not supported by independent witnesses rather by home guard personnels. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above, as alleged recovery of illicit liquor appears to be made from an open place where seizure list is not supported by independent witnesses coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 03.05.2023, accordingly, above named petitioner is directed to be released on bail in connection with Jhanjharpur P.S. Case No. 36 of 2023 arising out of G.R. No. 128/2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two



sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act I, Jhanjharpur/ concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C., with further conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Archana/-

U		T	
---	--	---	--

