

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50335 of 2023

Arising Out of PS. Case No.-320 Year-2022 Thana- SIKTI District- Araria

Matkun @ Mankun @ Quasim Son Of Late Zainuddin R/O-Singhia Ward No. 03, P.S.-Sikty, Distt.-Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 24.02.2023, in connection with Sikty P.S. Case No. 320 of 2022, F.I.R. dated 03.12.2022 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. Recovery is of 140.700 litres of *Nepali* liquor.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that altogether 140.700 litres of Nepali liquor has been recovered from the paddy straw in front of the house of the petitioner. He further submits that the petitioner



was not present at the place of recovery and there is non compliance of Section 100 of the Cr. P.C.. He further submits that the said recovery does not belong to the petitioner and the petitioner has no concern at all with the alleged recovery of illicit liquor. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 24.02.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one but fairly submits from paragraph-3 of the petition that the petitioner is on bail in both the cases.

6. Considering the facts and circumstances of the case and nothing has been recovered from the possession of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-II, Araria in connection with Sikty P.S. Case No. 320 of 2022, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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