

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53596 of 2023**

Arising Out of PS. Case No.-79 Year-2022 Thana- PANDAUL District- Madhubani

MICKY SAFI @ VICKY SAFI SON OF SANDEEP SAFI @ SANDEEP  
KUMAR SAFI RESIDENT OF VILLAGE - BUDHAN JHA TOLA, P.S. -  
PANDAUL, DISTRICT - MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      19-08-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. Petitioner seeks bail, who is in custody since 19.07.2023, in connection with G.R. No. 633 of 2022 arising out of Pandaul P.S. Case No. 79 of 2022, F.I.R. dated 02.05.2022 registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Sections 30(a), 36, 38, 41(1) of the Bihar Prohibition and Excise Act.

3. Recovery is of 4860 litres of foreign 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 the petitioner is not named in the F.I.R. and the name of the petitioner has been



transpired on the basis of confessional statement of co-accused person. He further submits that from perusal of the F.I.R. as well as seizure list nothing has been recovered from the conscious possession or the house of the petitioner rather recovery has been made from the Truck in question. He further submits that except the confessional statement of co-accused person, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence and he has no concern at all with the alleged recovery of illicit liquor or the Truck in question and the petitioner is in custody since 19.07.2023.

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 on the basis of paragraph-3 of the petition, the petitioner is on bail in both the cases.

6. Considering the facts and circumstances of the case, nothing has been recovered from the conscious 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with G.R. No. 633 of 2022 arising out of Pandaul P.S. Case No. 79 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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