

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57357 of 2023**

Arising Out of PS. Case No.-708 Year-2022 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

MD TAUSIR Son of Md Umar R/o vill - Pakri, P.S. - Belsar, Distt. - Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Thakur, Advocate
For the Opposite Party/s : Mrs.Sucheta Yadav,APP

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

2 05-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 21.03.2023 in connection with Muzaffarpur Sadar P.S. Case No. 708 of 2022, F.I.R. dated 10.11.2022 registered for the offence punishable under Sections 30(a) and 41(1) of Bihar Prohibition and Excise Act.

3. Recovery is of 161.250 liters of foreign liquor as well as total 228 Kg of Ganja.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that it appears from the FIR as well as the seizure list that nothing has been recovered from conscious possession of the petitioner rather 161.250 liters of



foreign liquor as well as total 228 Kg of Ganja have been recovered from the Truck in question and the N.C.B. has registered a separate case vide N.C.B. Case No. 22 of 2022 under the N.D.P.S. Act for alleged recovery of Ganja from the Truck in question and there is non-compliance of Section 100 of Cr.P.C. and the petitioner is driver of the Truck in question and he has no concern at all with the alleged recovery of illicit liquor. Further submits that the petitioner was remanded in this case on 21.03.2023 from N.C.B. Case No. 22 of 2022.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, nothing has been recovered from conscious possession of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-1, Muzaffarpur in connection with Muzaffarpur Sadar P.S. Case No. 708 of 2022, with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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 antecedent, 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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