

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60681 of 2022

Arising Out of PS. Case No.-356 Year-2021 Thana- BASANTPUR District- Siwan

Julum Mian, aged about 37 years, Gender- Male, Son of Baharan Mian R/O
Village- Jagdishpur, P.S.- Maharajganj, Distt.- Siwan-841238

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Brajesh Kumar Singh, Adv.
For the State : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-01-2023 This matter has been taken up today for consideration through
video conferencing.

Heard learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in connection with Basantpur PS
Case No. 356 of 2021, registered for the offence punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

Since 11-05-2022, the petitioner is stated to be in custody.
There is alleged recovery of 30 liters country made liquor from the
house of co-accused Dharmdeo Ram.

Learned counsel for the petitioner submits that the petitioner
has no antecedents. Recovery is denied and disputed as not being in
accordance with law and not from the conscious possession of the
petitioner. It is submitted that he was allowed anticipatory bail in Cr.
Misc. No. 65681 of 2021. However, by the time the matter was
heard, he had already been arrested.



Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 the learned Special Judge (Excise Act) Spl. Excise Court No.1, Siwan, in connection with Basantpur PS Case No. 356 of 2021, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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