

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59163 of 2022

Arising Out of PS. Case No.-84 Year-2022 Thana- SRINAGAR District- West Champaran

Saddam Hussain Son of Late Md. Zahir R/o Mohalla- Purani Gudari, P.S.-
Bettiah Town (Kalibag), District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shail Kumari, Advocate.

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-01-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Ms. Shail Kumari, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Srinagar P.S. Case No. 84 of 2022, registered
for the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016 .

The police on secret information apprehended the
petitioner and one Dilip Kumar, who were coming on a
motorcycle. On search total 34.560 liters Indian made foreign
liquor was recovered.

Learned counsel appearing on behalf of the petitioner



submits that admittedly the alleged recovery has been made from the joint possession of the petitioner and co-accused Dilip Kumar and moreover, there is complete defiance of Section 100 of Cr.P.C. as well as Section 81 and 82 of the Bihar Prohibition and Excise Act, 2016. She further submits that the petitioner has neither any concern with the said motorcycle nor with the illicit wine which is allegedly recovered from the motorcycle. She next submits that the petitioner having fair antecedent, is in custody since 25.06.2022 and the investigation of the crime is already complete and the charge-sheet has been submitted.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner along with one another co-accused person were apprehended by the police and from the possession of the petitioner recovery of illicit liquor has been made.

Regard being had to the submissions made on behalf of the parties and considering the fact that recovery has been made from the joint possession of the petitioner and one Dilip Kumar, apart from the fact that the motorcycle does not belong to the petitioner and the petitioner having fair antecedent, is in custody since 25.06.2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees



ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, West Champaran at Bettiah in connection with Srinagar P.S. Case No. 84 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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