

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62235 of 2023

Arising Out of PS. Case No.-258 Year-2023 Thana- DAGARUA District- Purnia

Md Zulis Alam @ Zulus @ Zullis Son Of Md Abdul Rauf Resident Of Village
- Ghuski Tola, Ward No.15, P.S. - Baisi, District - Purnea

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr.Mohammed Arif,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-09-2023 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 31.07.2023 in connection with Dagarua P.S.Case No. 258 of 2023, F.I.R. dated 30.07.2023 registered for the offence punishable under Sections 272,273 of IPC and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. Recovery is of 120 liters of foreign liquor.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and from a bare perusal of the FIR it appears that nothing has been recovered



from conscious possession of the petitioner rather the recovery has been made from the Tempo in question and there is non-compliance of Section 100 of Cr.P.C. and the petitioner is in custody since 31.07.2023.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, nothing has been recovered from conscious possession of the petitioner, having clean antecedent, 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 Judge Excise-I, Purnea in connection with Dagarua P.S.Case No. 258 of 2023, 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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