

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62759 of 2022

Arising Out of PS. Case No.-330 Year-2022 Thana- MOTIPUR District- Muzaffarpur

Iftikar Hussain, aged about 27 years, Male, Son of Gyasuddin Ahmad
Resident of Village- Bala Kothiya, P.S.- Juriya, District- Naugaon, Assam

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Narayan Singh, Adv.

For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 13-01-2023 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 Motipur P.S. Case No. 330/2022 registered for the offence punishable under Section 30(a), 36, 41(1) of Bihar Prohibition and Excise Act, 2018.

There is alleged recovery of 1073.4 litres (one thousand seventy three litres and four hundred millilitres) of illicit liquor from a truck which was standing.

Learned counsel for the petitioner submits that petitioner was arrested merely because he was present near the place of recovery, though he has no concern with the truck or illicit liquor. He has no criminal antecedents. He is stated to be in custody since 14.09.2022. The driver and owner of the vehicle have been allowed bail and anticipatory bail in Cr. Misc No. 59682/2022 and Cr. Misc. No. 69163/2022 respectively.

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

Considering the rival submissions, manner of recovery, nature



of allegation, and the fact that investigation is complete, 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, Mazaffarpur West-II, Muzaffarpur, in connection with Motipur P.S. Case No. 330/2022, 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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