

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63822 of 2022

Arising Out of PS. Case No.-62 Year-2022 Thana- KHUTAUNA District- Madhubani

Md. Masibullah @ Masibullah S/O Mintulah Resident of Village-
Ghormohana, P.S.- Lalmaniya, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit, Adv

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-01-2023 Today being Friday, matters are being taken up through virtual mode, as per current procedure for hearing.

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

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

Petitioner seeks bail in connection with Khutauna P.S. Case No. 62 of 2022, corresponding to G.R. No. 258 of 2022 registered under Section 272, 273 and 34 of the I.P.C. and Section 30(a) of Bihar Prohibition and Excise Amendment Act.

There is alleged recovery of 900 litres illicit liquor from a Scorpio van.

Learned counsel for the petitioner submits that even as per



prosecution case, petitioner was not arrested at the time and place of recovery. His implication is based on statement of driver, who has stated about the petitioner's involvement in trade of illicit liquor along with others. Having no antecedents, petitioner on account of such implication based on statement of co-accused recorded in police custody, has remained in custody since 18.08.2022. Recovery is denied and disputed by learned counsel for the petitioner. It is submitted that recovery is not in accordance with law.

Learned APP has opposed the prayer for bail.

Having regard to the manner of recovery, the submissions advanced by the parties, the period of custody and the fact that investigation is complete, this Court is inclined to allow the petitioner's prayer for bail. Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Spl. Judge Excise Act, Jhanjharpur, Dist- Madhubani in Khutauna P.S. Case No. 62 of 2022, corresponding to G.R. No. 258 of 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.

(Madhuresh Prasad, J)

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