

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69204 of 2022

Arising Out of PS. Case No.-285 Year-2020 Thana- BIBHUTIPUR District- Samastipur

Samitulla @ Somitulla @ Tanweer , male, aged about 21 years, Son of Md.
Nizamuddin @ Nizammuddin R/V- East Matiyari, Ward No. 12, P.S-
Dalkolha @ Dakala @ Dhalkola Uttar, Dist- Uttar Dinajpur, West Bengal

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Santosh Kumar, Adv.

For the State : Mr. Md. Shakir Ahmad, 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 Bibhutipur PS
Case No. 285 of 2020, registered for the offence punishable under
Sections 272 and 273 of the Indian Penal Code and Section 30(a) of
the Bihar Prohibition and Excise Amendment Act, 2018 and Sections
25(1-B)a, 26 and 35 of the Arms Act.

Total 4410 liters of illicit liquor has been recovered from a
truck and Bolero vehicles.

Learned counsel for the petitioner submits that petitioner was



neither arrested at the spot nor it is alleged that he was fleeing away. It is submitted that petitioner's implication is based on his own confessional statement recorded in police custody. Implication is sequel to his implication in nine other cases as per disclosure made in para 3. The petitioner is on bail in all the other cases. In the instant case, he is in custody since 22.8.2022.

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) Special Excise Court No.1, Samastipur, in connection with Bibhutipur PS Case No. 285 of 2020, 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)

shyambihari/-

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