

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66974 of 2022

Arising Out of PS. Case No.-419 Year-2022 Thana- BARBIGHA District- Sheikhpura

ABDUL HALIM, Son Of Late Kalimuddin, R/O Village- Malikana, P.S.-
Masurhi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Ataul Haque, Advocate

For the Opposite Party/s : Ms.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-02-2023 Today being Friday, matters are being taken up through
virtual mode, as per current procedure for hearing.

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

The petitioner seeks bail in connection with Barbigha
(Mission O.P.) P.S. Case No. 419 of 2022 registered for the offence
punishable under Sections 30(a), 32(2) and 41(i) of the Bihar
Prohibition and Excise Amendment Act-2018.

There is alleged recovery of 43.5 litres illicit liquor from
the vehicle.

Learned counsel for the petitioner submits that the
petitioner is owner of the vehicle. No recovery has been made from
the vehicle as the seizure list is prepared without complying with
Section 100 Cr.P.C.. It is a case of implication on extraneous
considerations and the petitioner, having no antecedents, is in
custody since 28.09.2022. Moreover, investigation is also complete.



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

Considering the rival submissions, the seizure memo, clean antecedent and period of custody, as also 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 learned Exclusive Special Excise Judge, Sheikhpura, in connection with Barbigha (Mission O.P.) P. S. Case No. 419 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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