

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.311 of 2023

Arising Out of PS. Case No.-263 Year-2022 Thana- HARLAKHI District- Madhubani

Md. Sakil Ahmad Son of Md. Mokim R/V- Tulsipatti, P.S- Rajnagar, Dist-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
24.08.2022, in connection with Harlakhi P.S. Case No. 263 of
2022, F.I.R. dated 23.08.2022 registered for the offences
punishable under Sections 272, 273, 34 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act,
2022.

Recovery is of 135 litres of illicit *Nepali* country
made wine.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case on the basis of suspicion. He
further submits that it appears from the F.I.R. as well as seizure



list that nothing has been recovered from the conscious possession of the petitioner rather recovery has been made from the tempo in question and the petitioner has no concern at all with the alleged recovery of illicit liquor or the tempo in question. He further submits that the petitioner is neither the driver nor the owner of the tempo in question and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 24.08.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioner and petitioner having clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Harlakhi P.S. Case No. 263 of 2022, G.R. No. 1500 of 2022, subject to the following conditions :-

(1) 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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