

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16276 of 2024

Arising Out of PS. Case No.-117 Year-2022 Thana- LAUKAHI District- Madhubani

MD. SAIF SON OF MD. MUNNA R/O-NARAHIIYA BAZAR, P.S.-
LAUKAHI (NARAHIIYA O.P.), DISTT.-MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate.
For the State : Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 10-04-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks bail in connection with
Laukahi (Narahiya O.P.) P.S. Case No. 117 of 2022 dated
21.5.2022, registered for the offences punishable under Sections
272, 273 and 34 of the Indian Penal Code and Section 30(a) of
the Bihar Prohibition and Excise Act, 2016.

3. As per allegation, 264 litres liquor was recovered
from motorcycles.

4. Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that nothing has been recovered from
the conscious possession of the petitioner. He further submits
that search and seizure has not been made as per the procedure
as prescribed under Section 100 Cr.P.C. He further submits that



the petitioner was not arrested on the place of occurrence. He next submits that similarly situated co-accused Santosh Yadav has been granted bail by this Court in Cr. Misc. 61088 of 2022 vide order dated 13.01.2023.

5. He further submits that the petitioner has been languishing in jail since 30.11.2023.

6. It has also been stated in paragraph No. 3 of the bail petition that the petitioner has two criminal antecedents of similar nature and in one of them, he is on bail.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

8. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

9. Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Spl. Judge, Excise Act, Jhanjharpur (Madhubani) in connection with Laukahi (Narhiya O.P.) P.S. Case No. 117 of 2022 on the following conditions:



(i) The petitioner will make himself available for interrogation by a Police Officer/Court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the Police or the Court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any Police Officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents of other nature, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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