

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82925 of 2023

Arising Out of PS. Case No.-152 Year-2023 Thana- MANSAHI District- Katihar

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Washim Akram Son of Abdul Rouf @ Abdur Rouf Resident of Village-
Kumedpur, Ward No. 14, Ps- Harishchandrapur, Distt- Malda (West Bengal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Vinod Shanker Modi

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Mansahi P.S. Case No. 152 of 2023 dated 10.09.2023 registered
for the offences punishable under Section 30(a) of the Bihar
Excise Act.

3. As per the prosecution, 33.75 litres of illicit liquor
was recovered from a splendor motorcycle in question and
petitioner was apprehended on the spot.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 11.09.2023 and bears criminal
antecedent of one case in which he is on bail. He further submits
that nothing has been recovered from conscious possession of
the petitioner and the alleged motorcycle in question does not



belong to the petitioner. He orally submits that chargesheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He also submits that search and seizure has not been made as per law.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 District and Sessions Judge cu Exclusive Special Excise, Court No-II, Katihar in connection with Mansahi P.S. Case No. 152 of 2023 dated 10.09.2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned



Trial court itself.

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

(Alok Kumar Pandey, J)

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