

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39979 of 2026

Arising Out of PS. Case No.-102 Year-2026 Thana- BAISI District- Purnia

Tabarak @ Tabarak Hussain S/O Tafejul Haque R/O Village- Sripur,
Dangraha, P.S.- Baisi, Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohammad Tahmeed Helal, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-06-2026 Heard Mr. Mohammad Tahmeed Helal, learned
counsel for the petitioner and Mr. Bishweshwar Ram, learned APP
for the State.

2. Petitioner seeks bail, who is in custody since
06.05.2026, in connection with Baisi P.S. Case No. 102 of 2026,
F.I.R. dated 18.03.2026 registered for the offences punishable
under Sections 30(a), 41 and 47 of the Bihar Prohibition & Excise
Act.

3. Recovery is of 926.85 litres of *foreign* liquor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that it appears from the F.I.R. as
well as seizure list that recovery has been made from the vehicle in
question and petitioner was not present at the place of occurrence



and he was not arrested at the time of incident and he has been made accused in the present case on the basis of suspicion and confessional statement of co-accused person, namely, Guru Shankar Sharma and except the aforesaid nothing cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. The petitioner is in custody since 06.05.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in one case and another case has been disposed of on the basis of amicable settlement.

6. Considering the facts and circumstances of the case and the fact that nothing has been recovered from the conscious possession of the petitioner and he has been made accused merely on the basis of suspicion and confessional statement of co-accused persons, 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 Special Judge (Excise)-I, Purnea in connection with Baisi P.S. Case No. 102 of 2026, 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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