

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18546 of 2020

Arising Out of PS. Case No.-224 Year-2019 Thana- PALASI District- Araria

Mujahid Alam @ Md. Mujahid @ Md. Mojahid Son of Late Mustaque Alam
Resident of Village - Pachaili, Ward No.4, P.S.- Palasi, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Shamimul Hoda

For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 14-09-2020 The matter has been taken up through virtual

Court proceeding.

Since the court proceeding is non-functional in
physical mode due to the present pandemic COVID-19,
the matter is listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of the resumption
of the physical Court proceedings.

In case of non-removal of the defects within
undertaken period, the office shall place the matter
before the bench.



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

The petitioner is languishing in custody since 12.07.2019 in a case registered for the offences punishable under Sections 272, 273 of the Indian Penal Code, 1860 and Sections 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2018.

The prosecution case as per the self statement of Sanjay Kumar Rai, S.I. recorded on 11.07.2019 at 1:30 A.M. is to the effect that on 10.07.2019 at 10:30 P.M., a confidential information was received that petitioner has brought huge quantity of Eskuf Syrup in his house. Consequently, raid was laid and from the house of the petitioner, the petitioner along with co-accused Razi Ahmad, Md. Faiyaz and Md. Warish were arrested and total 300.2 litres of Eskuf Syruf, six mobile phones and three motorcycles were recovered.

It is submitted by learned counsel for the petitioner that prayer for bail of the petitioner was



earlier dismissed as withdrawn with liberty to renew his prayer for bail after six months vide order dated 13.08.2019 passed in Cr. Misc. No. 54614 of 2019 as contained in Annexure-1.

It appears that earlier the order was passed by Hon'ble the Chief Justice and vide order dated 02.09.2020, the present application has been directed to be listed before a regular bench, hence it has been listed.

It is submitted by learned counsel for the petitioner that other co-accused persons namely Md. Razi Ahmad and Md. Naim @ Naimuddin have been granted bail vide Cr. Misc. No. 53535 of 2019 and Cr. Misc. No. 66727 of 2019 respectively by co-ordinate benches of this Court.

A statement has been made in para 3 of the petition that petitioner is not having any criminal antecedent.

Learned counsel for the State submits that



recovery has been made from the house of the petitioner and he has not produced any document with regard to huge quantity of Eskuf Syrup.

Considering the fact that earlier the petition was disposed of with a direction to renew the prayer for bail after six months and the petitioner is not having any criminal antecedent, let the petitioner, above named, be released on bail, for the present, provisionally for a period of three months on furnishing one surety to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Araria in connection with Special Case No. 881 of 2019, arising out of Palasi P.S. Case No. 224 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned



Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Araria in connection with Special Case No. 881 of 2019, arising out of Palasi P.S. Case No. 224 of 2019 including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the Court proceeding in physical mode will not resume in next three months.

Accordingly, the present application stands disposed of.

(Dinesh Kumar Singh, J)

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