

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19742 of 2020

Arising Out of PS. Case No.-803 Year-2019 Thana- PHULWARISHARIF District- Patna

Atif Suleman @ Vicky, Gender Male, aged about 24 years, S/o- Md. Suleman
R/o- House No. 224, Ward No. 03, Khalilpura, P.O. and P.S.- Phulwarisharif,
District- Patna, at present Alba Colony, Near Pakori Factory, P.O. and P.S.-
Phulwarisharif, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishal Vikram Rana, Adv.

For the Opposite Party/s : Mr. Ajay Kumar No.2, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 29-06-2020 Heard learned counsel for the petitioner and learned
counsel for the State through video conferencing.

In this case, the petitioner is seeking bail in connection with Phulwarisharif P.S. Case No. 803 of 2019 having Special Case No. 7541 of 2019 registered for offences under sections 30(a) of the Bihar Prohibition Excise Act, 2016 and Section 414, 467, 468, 420, 120(B) of the Indian Penal Code.

In the present case, on the police, on receipt of secret information regarding supply of huge quantity of liquor, proceeded to the place of occurrence. When the police reached at the place of occurrence, they saw two motorcycle along with two four-wheeler were coming towards them, they were



intercepted and the police arrested altogether three persons but, other three persons succeeded in fleeing away from there and the arrested persons disclosed the names of other persons and from motorcycle as well as from the four wheeler, 263.90 liters country made foreign liquor were recovered.

Learned counsel for the petitioner submits that the petitioner was earlier arrested in another case, he was brought to the Magistrate but, the learned Magistrate pleased to grant bail to the petitioner but, the police, in the present case has framed the petitioner in an old case and forcefully has got the confession of the petitioner. Thus, he further submits that the accused Vicky who is named in the F.I.R. is not the present petitioner. He further submits that the petitioner is not at all involved in the present case.

The petitioner has no criminal antecedent and is languishing in jail custody since 30.3.2020.

Looking to the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Patna in connection with Phulwarisharif P.S. Case No. 803 of 2019, subject to the condition that (i) one of the



bailors shall be a close relative of the petitioner (ii) if the petitioner is found involved in future in similar type of case, the prosecution will be at liberty to make prayer for cancellation of his bail and the court below will pass necessary order, including cancellation of bail and (iii) the petitioner would cooperate the proceeding of the court below. In event of failure to appear on two consecutive dates, the court below will be at liberty to pass the order, including cancellation of bail bonds.

(Shivaji Pandey, J)

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