

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 27916 of 2020

Arising Out of PS. Case No.-225 Year-2020 Thana- FATUA District- Patna

MD ASLAM MIYA @ MD ASLAM MIYAN @ MD ASLAM Son of Late
Nanuk Miyan @ Nanku Miyan Resident of Village - Dariyapur, P.S. - Fatwah,
District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Ajay Kr Singh No 1, Advocate
For the Opposite Party/s : Mr Sanjay Kr Sharma, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 02-11-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner.

Mr Sanjay Kumar Sharma, APP is appearing as it is submitted that the brief has been allotted to him by the Office of Advocate General.

The petitioner seeks bail in Fatwah Police Station (for brevity, *PS*) Case No 225 of 2020 instituted for the offence



punishable under Section 30 (a) of Bihar Prohibition and Excise Act, 2016.

The police have received information regarding unloading of wine from the pickup van. Petitioner, along with others, allegedly have fled away. Recovery of 577.500 liters country made wine is alleged from the pickup van.

Petitioner's counsel submits that even as per prosecution case, petitioner was not arrested at the time of recovery. He has been arrested on 12.05.2020 though the recovery allegedly took place on 20.03.2020. He is in custody since 13.05.2020 and bears no criminal antecedent. The petitioner's false implication is based on identification which is baseless and unreliable.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise, Patna in Fatwah PS Case No 225 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of



the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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