

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30357 of 2020

Arising Out of PS. Case No.-458 Year-2020 Thana- ARARIA District- Araria

Md Shamim @ Md. Samim, Son of Md. Mumtaz, Resident of Village- Gudri
Mohalla, Ward No. 14, P.S. - Forbesganj, Dist. - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-11-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

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

Mr. Fahimuddin, learned APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General.

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

The petitioner seeks bail in connection with Forbesganj P.S. Case No.458 of 2020, corresponding to Special



Case No.490 of 2020, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

181.88 litres illicit liquor is alleged to have been recovered from a tempo, on which the petitioner was travelling.

Petitioner's counsel submits that having no criminal antecedents, the petitioner has falsely been implicated. He was a *bona fide* passenger and even as per the prosecution case, recovery is from the tempo and not from the petitioner's possessions. He is in custody since 15.06.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, 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 the learned 2nd Additional Sessions Judge cum Special Judge, Araria, in connection with Forbesganj P.S. Case No.458 of 2020, corresponding to Special Case No.490 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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