

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15112 of 2021

Arising Out of PS. Case No.-497 Year-2020 Thana- SAHARSA District- Saharsa

Md. Karim Son of Md. Mustkim Resident of Mohalla- Saharsa Basti, ward
No.31, P.S.- Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha

For the Opposite Party/s : Mr. Nawal Kishore Pd.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-06-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the
defects, as pointed out by the office, within four weeks of resumption
of normal court proceeding. In the eventuality of non-removal of
defects within undertaken period, the office will place the matter
before the Bench.

The petitioner seeks bail in connection with Special (Excise)
Case No. 240 of 2020 arising out of Saharsa Sadar P.S. Case No. 497
of 2020 registered for the offence punishable under Section 419, 420,
34 of the I.P.C. and Section 30 (a), 41 (I) of the Bihar Prohibition and
Excise Act.

On secret information total 2522.88 liters of illicit foreign
liquor is said to have been recovered from the petitioner and other
co-accused persons.



It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner rather 2522.88 liters of foreign liquor is said to have been recovered from the Postal Van bearing registration No. DLIAC-1387. He has no concern either with the seized liquor or the place of recovery or any trade of liquor. He submits that the petitioner has been identified by the village in C.C.T.V. footage mentioned at para 31 of the case diary but it is not mentioned that by which individual petitioner was identified which is contradictory in itself. Petitioner has no criminal antecedent as mentioned in para-3 of the present petition and has been languishing in custody since 14.10.2020.

Petitioner is agreed to deposit a sum of Rs. 25,000 (Rupees Twenty Five Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Special (Excise) Case No. 240 of 2020 arising out of Saharsa Sadar P.S. Case No. 497 of 2020 subject to following conditions:



(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs. 25,000 (Rupees Twenty Five Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

GAURAV S./-

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