

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18532 of 2021**

Arising Out of PS. Case No.-539 Year-2020 Thana- CHAPRA TOWN District- Saran

NAWSHAD ANSARI SON OF KALAM ANSARI RESIDENT OF
VILLAGE- NOOR NAGAR, P.S. JALALPUR, DISTRICT- SARAN

... .. Petitioner

Versus

The State of Bihar BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 27-07-2021 Learned counsel for the petitioner has filed a supplementary affidavit stating therein that certain typographical errors have occurred in the petition. Inadvertently in Paragraph-2 and 3 irrelevant facts and statements have been made thus Paragraph-2 and 3 of the main application have been sought to be substituted by paragraph 2 and 3 of the supplementary affidavit.

Let the statements made in the supplementary affidavit as regards the previous filing of the anticipatory bail and regular bail application and the criminal antecedents be read as part of the main petition and Paragraph-2 and 3 of the main petition be taken to have been expunged.

Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Nirmal Kumar Sinha, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Chapra Town (Nagar) P.S. Case No. 539 of 2020 registered for the offences punishable under Section 30(a), 41 (i), (ii) of Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that as per the prosecution story, the police has recovered 224 litres of illicit liquor along with cash Rs. 2500/- which was kept hidden in the car and the petitioner has been arrested on the spot.

It is the submission of learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. The petitioner is in custody since 29.9.2020

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

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the petitioner was arrested by police when he was in the vehicle from which recovery of 224 litres of illicit liquor

have been shown, the submission being that the petitioner is in custody since 29.9.2020, investigation against him is complete, he has otherwise no criminal antecedent, in the circumstances this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge/Special Judge, Excise Saran, Chapra in connection with Chapra Town (Nagar) P.S. Case No. 539 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage

it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.