

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19025 of 2021

Arising Out of PS. Case No.-7 Year-2021 Thana- BAHADURGANJ District- Kishanganj

HABIBUR RAHMAN @ HABIBUR Son of Abdul Sattar Resident of Village
- Nichitpur, P.S.- Dalkhola, District - Uttar Dinajpur, (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh, Adv.

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 29-09-2021

Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 272 and 273 of the Indian Penal Code and sections 30(a), 35, 36 and 41 of the Bihar Prohibition and Excise Act.

As per the prosecution case, about 2206 liters of IMFL was recovered from the truck being driven by this petitioner.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from his possession or vehicle. He has been falsely implicated in the case. He is in custody since 8.1.2021 and has no criminal antecedent.

Learned A.P.P. for the State opposes the prayer for bail submitting that the petitioner is resident of State of West



Bengal and on release, he may not cooperate in the trial.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the petitioner not having any criminal antecedent, the Court directs the petitioner to be enlarged on bail in connection with Special Case no.15 of 2021 (arising out of Bahadurganj P.S. Case no.7 of 2021) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. District and Sessions Judge 2nd -cum-Special Judge (Excise), Kishanganj on the following conditions:

(i) one of the bailors of the petitioner shall be a close relative.

(ii) the other bailor of the petitioner shall be a resident of a place within the jurisdiction of the learned trial court.

In case the petitioner does not cooperate in the trial or learned trial court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the trial court will be at liberty to cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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