

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.19605 of 2021**

Arising Out of PS. Case No.-192 Year-2020 Thana- AIRPORT District- Patna

MD. RIZWAN S/o Shakil Ahmad Resident of 22 Chak No.20, Tehsil- Tanda,  
Mohalla- Bhabbalpuri Suar, P.S.- Tanda, District- Rampur (U.P.) 244925

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Kumar Rajeev, Advocate

For the Opposite Party/s : Mr.Lalan Kumar, APP

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

2      08-07-2021                      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 learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Hawaii Adda P.S. Case No. 192 of 2020 registered for the offences punishable under Sections 419, 420, 467, 468 and 421 of the Indian Penal Code.

Learned counsel for the petitioner submits that the allegation against the petitioner is that he was travelling on the forged/fake Id of Mohd. Faizan and was about to go to Delhi by Go AIR Flight No. G8-132. It is alleged that he was apprehended with 341.220 gms of foreign gold which has been seized as per provisions under Customs Act, 1962.



Learned counsel submits that since the value of the gold is less than Rs. 20 lacs, the petitioner is not being prosecuted under the provisions of the Customs Act and the present FIR has been lodged under the various provisions of the Indian Penal Code only.

Learned counsel further submits that for the allegation of travelling on the forged Id card the petitioner has remained in custody for about seven months, investigation against him is complete but the trial is not likely to take place in near future.

On the other hand, learned APP for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case and the submissions of learned counsel for the petitioner as also on finding that the petitioner has already remained in custody for seven months and investigation against him is complete, he has otherwise no criminal antecedent, this Court is inclined to grant him bail.

Let the petitioner above named be release on bail on furnishing of bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1<sup>st</sup> Class, Patna in connection with Hawai Adda P.S. Case No. 192 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'.

