

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.25447 of 2021**

Arising Out of PS. Case No.-568 Year-2020 Thana- SIWAN MUFFASIL District- Siwan

MUSLIM ALI @ MASUM ALI Son of Zulfekar Ali Resident of Village - Mir Alipur, P.S. - Thawe, District - Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Javed Aslam, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

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

2 24-09-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Uday Chand Prasad, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Siwan Muffasil (Mahadeva O.P.) P.S. Case No. 568/2020 registered for the offences punishable under Section 30(a), 41(i) of Bihar Prohibition and Excise Act, 2016. He is in custody since 09.02.2021 having no criminal antecedent.

As per the prosecution story, while the informant got secret information that one Pick Up Van loaded with liquor was to bring by the owner of the vehicle at Siwan through Hakam

Bypass, he reached there and on seeing the police party the driver and one person started to flee away but the driver was apprehended and another person fled away. Informant further alleged that on asking the apprehended persons he disclosed his name as Md. Munna and he further disclosed the name of another person as Muslim Ali (petitioner). On search of the vehicle, altogether 279 liters of country made liquor have been recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, petitioner neither apprehended on the spot nor anything has been recovered from his possession and he is in custody since 09.02.2021.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein learned counsel for the petitioner submits that the vehicle was in possession of the driver and not in conscious possession of the petitioner at the time of it's interception and seizure of 279 liters of liquor, the petitioner has got no criminal antecedent and has remained in custody in connection with this case since 09.02.2021, this court directs release of the petitioner

above named 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 Additional District and Sessions Judge, 2nd – cum – Special Judge, Excise, Siwan, in connection with Siwan Muffasil (Mahadeva O.P.) P.S. Case No. 568/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.