

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26348 of 2021

Arising Out of PS. Case No.-567 Year-2020 Thana- NARPATGANJ District- Araria

MD. AFROJ ALAM @ AFROJ ALAM Son of Nabi Hasan Resident of
Village - Paghiyan Taiti, P.S.- Kathaiya, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-07-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Narpatganj P.S. Case No.
567 of 2020, registered for the offence punishable punishable
under Section 30(a), 41 and 47 of the Bihar Prohibition and
Excise Act, 2016.

250 litres of foreign liquor has been recovered from
from a vehicle and co-accused who were apprehended by the
police disclosed that this petitioner along with co-accused
persons have brought the aforesaid consignment.

It is submitted that no recovery has been made from



conscious possession of this petitioner. Petitioner is neither the owner nor the driver of the vehicle in question and has no concern with the seized liquor. Name of this petitioner has come in this case on the basis of confessional statement of co-accused. Petitioner is in custody since 24.12.2020 having no criminal antecedent.

Considering the fact that no recovery has been made from conscious possession of the petitioner and he is having clean antecedent, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge (Excise Act), Araria in connection with Narpatganj P.S. Case No. 567 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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