

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29388 of 2021

Arising Out of PS. Case No.-3 Year-2021 Thana- JALE District- Darbhanga

AFTAB ALAM Son of Late Subham Nadaf Resident of Village - Gauri, P.S. -
Nanpur, District - Sitamarhi.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shanti Bhushan Singh, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-10-2021 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. Md.
Fahimuddin, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Jale P.S. Case No. 03 of 2021 registered for
the offences punishable under Section 30(a) of Bihar Prohibition
and Excise (Amendment) Act, 2018. He is in custody since
10.02.2021 having one criminal antecedent as stated in
paragraph '3' of the application in which he is on bail.

As per the prosecution story, the informant alleged
that while he was on patrolling duty along with other police
personnel, he saw black colour car and a motorcycle were
coming, he tried to stop them but they did not stop. The



informant further alleged that he overtook the vehicles near railway line, but the persons present in the vehicles were fled away leaving their vehicles and on search of the vehicles total 173.16 liters foreign liquors were recovered and seized.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, name of the petitioner has transpired in this case on the basis of his own confessional statement extracted in police custody, however petitioner is in custody since 10.02.2021.

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 the name of the petitioner has transpired in this case on the basis of his confessional statement extracted in police custody, recovery is of 173.16 liters from the vehicles and it is contended that said vehicles does not belong to the petitioner, petitioner has got one criminal antecedent in which he is said to be on bail, investigation against him is complete, but the trial is not likely to take place in near future, 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 2nd Additional Sessions Judge – cum –
Special Judge (Excise), Darbhanga, in connection with Jale P.S.
Case No. 03 of 2021, 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'.

