

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30898 of 2021

Arising Out of PS. Case No.-37 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

MD. ISRAFIL S/o Mohamad Hasim Resident of - Islampur Tola, Khakhai,
Ward No. -08, P.S.- Kishanpur, District- Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-11-2021 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 Excise Case No. 37 of 2021 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016. He is in custody since 17.02.2021 having no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, while the informant was on duty at Dalkola Check Post, in course of search of vehicle he saw a car was coming towards him, on seeing patrolling party,



the persons in the vehicle tried to flee away but were apprehended by the patrolling party, on search of the vehicle total 135.00 liters illicit liquor were recovered and seized.

Learned counsel for the petitioner submits that petitioner has been falsely implicated. Learned counsel submits that the vehicle in question does not belong to the petitioner and out of the two persons who were arrested by police, one of them namely, co-accused Md. Naushad has been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 31251/2021, however he is in custody since 17.02.2021.

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 it is the submission of learned counsel for the petitioner that the vehicle in question does not belong to him and out of the two persons who were arrested by police, one of them namely, co-accused Md. Naushad has been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 31251/2021, this petitioner is in custody in connection with this case since 17.02.2021, he has otherwise no criminal antecedent, investigation against him is complete, he has otherwise no criminal antecedent, 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 Special Judge, (Excise), Purnea, in connection with Excise Case No. 37 of 2021 arising out of CIS No. 37/2021, 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/-

U		T	
---	--	---	--

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'.

