

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34439 of 2021

Arising Out of PS. Case No.-28 Year-2021 Thana- DUMRA District- Sitamarhi

Nek Mohammad @ Nek Mohamad Son Of Mubarak Resident Of Village -
Barharwa, P.S.- Dumra, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-08-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Dumra P.S. Case No. 28 of 2021 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner rather 61.425 liters of illegal foreign liquor is said to have been recovered from the Godown. He has no concern either with the seized liquor or the place of recovery or any



trade of liquor. He submits that the said Godown belongs to one co-accused *Nawal Kishore* and petitioner has nothing to do with the alleged recovered articles. He has been falsely implicated in this case by the police due to some village politics. Petitioner has no criminal antecedent as has been mentioned in para-3 of the present petition and has been languishing in custody since 23.01.2021.

Petitioner is agreed to deposit a sum of Rs. 5,000/- (Rupees Five Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Dumra P.S. Case No. 28 of 2021 subject to following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and



thereafter the court below will be at liberty to initiate the proceeding
for cancellation of bail on ground of misuse.

The bail bond of the petitioner shall be accepted by the
learned Court below on showing receipt of deposit of Rs. 5,000/-
(Rupees Five Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

GAURAV S./-

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