

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38965 of 2021**

Arising Out of PS. Case No.-78 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhagalpur

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Md. Alimuddin Ansari Son Of Israfil Ansari @ Isarafil Ansari Resident Of
Village- Mohulbana, P.S.- Ranishwar, District- Dumka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh
For the Opposite Party/s : Ms. Meena Singh

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 17-09-2021 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 Excise Case No. 78 of 2020 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 453.00 liters of



illegal foreign liquor is said to have been recovered from Tata Pick-up Van bearing registration No. BR 10M 7734. He submits that petitioner is the driver of the said vehicle and vehicle does not belongs to the petitioner. He has no concern either with the seized liquor or the place of recovery or any trade of liquor. He submits that search and seizure was made with complete violation of Section 100 Cr.P.C. The petitioner was illegally implicated without any evidence and without any investigation arrested on the same day which is against the essence of Section 88 of the Criminal Procedure Code. Petitioner has no criminal antecedent as has been mentioned in para-3 of the present petition and he is languishing in custody since 20.09.2020.

Petitioner is agreed to deposit a sum of Rs. 20,000/- (Rupees Twenty Thousand) in the Chief Minister's Relief Fund, Bihar bearing Account No.2065104000002257, IFSC Code: IFSC Code: IBKL0002065, IDBI Bank, Kidwaipuri Branch, Patna.

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/successor court



in connection with Excise Case No. 78 of 2020 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. 20,000/- (Rupees Twenty Thousand) in the Chief Minister's Relief Fund, Bihar.

(Anjani Kumar Sharan, J)

GAURAV S./-

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