

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40951 of 2021

Arising Out of PS. Case No.-32 Year-2019 Thana- GALGALIYA District- Kishanganj

MD. KHURSHID S/O MD. PATAL R/O-KHORIBARI, P.S-KHORIBARI,
DISTRICT-DARJEELING (W.B)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 21-10-2021

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 30 (a)/ 41(i) of the Bihar Prohibition & Excise Act.

As per the prosecution case, 720 liters of foreign liquor has been recovered from a Bolero vehicle.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. No incriminating article has been recovered from the conscious possession of the petitioner and he is no way concerned with the alleged recovery. The name of petitioner has surfaced in this case in the confessional statement of co-accused, Md. Irfan, who has already been granted bail by a co-ordinate Bench of this court vide order dated 01.08.2019 passed in Cr. Misc. No. 46647/2019. Petitioner claims clean antecedent and is in custody since 07.02.2021 and investigation in this case is complete.

Learned counsel appearing for the State opposes the



prayer for bail.

Considering the facts of the case and the period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-II-cum- Special Judge, Excise Act, Kishanganj in connection with Galgalia PS case No. 32/2019 (Special Case No. 49/2021) on the following conditions:-

(1) 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 on his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J)

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