

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.20951 of 2021**

Arising Out of PS. Case No.-444 Year-2019 Thana- BARHARIA District- Siwan

IBABUDDIN HAJAM @ MUNNA S/o Safin Ali Resident of Village- Fajil
Tola, P.S.- Barharia, District- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ram Sandesh Roy, Advocate
For the Opposite Party/s : Mr.Atul Chandra, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 08-07-2021 Learned counsel for the petitioner undertakes to
remove all the defects pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Atul
Chandra, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Barharia P.S. Case No. 444 of 2019 registered for
the offences punishable under Sections 272, 273, 308, 34 of the
Indian Penal Code and under Section 30(A), 41(1) of Bihar
Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the
prosecution story, on secret information 20.12.2019 the informant,
Incharge of Barharia P.S. Siwan reached to Mango garden where
huge amount of liquor is kept and selling. After noticing the police
party, the accused persons fled away but on chase one person namely



Md. Ahsan was apprehended and he disclosed the name of this petitioner and other accused persons. Altogether 1356.480 litres of illicit foreign liquor were recovered from the said place and some vehicles.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the name of this petitioner has transpired in the present case on the basis of the confessional statement of co-accused Md. Ahsan. The petitioner is in custody since 7.6.2020 having no criminal antecedent.

Learned APP 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 this petitioner has transpired on the basis of the confessional statement of the co-accused Md. Ahsan, he is not the owner of the seized vehicles as stated in paragraph-10 of the petition, he has otherwise no criminal antecedent, he has remained in custody in connection with this case since 7.6.2020, Md. Ahsan has already been granted bail in Cr. Misc No. 11155 of 2020 by learned coordinate Bench of this Court, considering these aspects of the matter this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees TwentyFive Thousand Only) with two sureties of the like amount each to the satisfaction of learned A. D. J.-II-cum- Special Judge Excise, Siwan in connection with Barharia P.S. Case No. 444 of 2019, subject to the



conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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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'

