

CRIMINAL MISCELLANEOUS No.32083 of 2020

Arising Out of PS. Case No.-542 Year-2020 Thana- FORBESGANJ District- Araria

MD. SHAHABUDDIN @ MD. SABUDIN @ BANTI, S/O Md. Chunnu @
Md. Sadruddin, Resident of Shiv Mandir, Ward No. -14 Forbesganj, P.S.
Forbesganj, District Araria ... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Anil Prasad Singh, Adv.

For the Opposite Party : Mr. Vinod Shankar Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 22-02-2021 As prayed for, let the learned counsel for the
petitioner remove the defect(s), as pointed out by the office vide
it's note, dated 26.11.2020, within four weeks of starting of the
Court proceeding in physical mode properly.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with Special Case No. 547 of 2020 arising out of Forbesganj P.S. Case No. 542 of 2020, registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The accusation is that on receiving secret information about selling the liquor by a person keeping on scooty at Golchha Gali, the informant, along with other police personnel, reached there, then, a person who was at scooty started to flee away, but, he was caught hold, who disclosed his name as Sunil Kumar Choudhary and also disclosed the name of Md. Shahabuddin @ Md. Sabudin @ Banti (petitioner) and Amit Sharma use to carry the liquor. He also disclosed that the liquor is being concealed in the bush behind the betel shop of Rajan



Ram and, thereafter, four bottles, each containing 750 ml Indian made foreign liquor, recovered from the bush.

Submission is that the petitioner was not apprehended on spot and his name has come in the confessional statement of the co-accused, Sunil Kumar Choudhary, on whose instruction, four bottles, each containing 750 ml Indian made foreign liquor, recovered from the bush. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Special Case No. 547 of 2020 arising out of Forbesganj P.S. Case No. 542 of 2020 shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge II-cum-Special Judge, Araria, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

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