

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2134 of 2021

Arising Out of PS. Case No.-458 Year-2020 Thana- ARARIA District- Araria

Md. Almas @ Almas, Son of Ajebul, Resident of Village- Juljuli, Ward No. - 33, P.S.- Kishanganj, Distt.- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh, Adv.

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-03-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Forbesganj P.S. Case No.458 of 2020 corresponding to Special Case No.490 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to ulterior motive. Learned counsel submits that no illicit liquor was recovered from the conscious possession of the petitioner rather the recovery was made from a tempo which does



not belong to this petitioner. Learned counsel submits that the other co-accused have been granted bail by learned coordinate Benches of this Court in Cr.Misc.No.30357/2020 and Cr.Misc. No.35136 of 2020 vide order dated 23.11.2020 and 22.12.2020 respectively.

It is submitted that the petitioner has no criminal antecedent and he has remained in jail in connection with the present case since 15.06.2020.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the petitioner has remained in jail in connection with the present case since 15.06.2020, he has no criminal antecedent, the other co-accused have been granted bail by learned coordinate Benches of this Court in Cr.Misc.No.30357/2020 and Cr.Misc. No.35136 of 2020 vide order dated 23.11.2020 and 22.12.2020 respectively, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Araria in connection with Forbesganj P.S. Case No.458 of 2020 corresponding to Special Case No.490 of 2020, subject to the condition 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 he is suspected, and

(c) that such person shall not directly or indirectly make any 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.

(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'.

