

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39052 of 2020

Arising Out of PS. Case No.-35 Year-2020 Thana- DEWARIA District- Muzaffarpur

Md Alam, Son of Hasim Miya@ Chiragi Miya, Resident of Village- Deoriya
Mishakari Tola, P.S.- Deoriya, District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar, Advocate
For the Opposite Party/s : Ms. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-02-2021 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 Ms.
Sharda Kumari, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Deoriya P.S. Case No. 35 of 2020 registered for
the offences punishable under Sections 272, 273/34 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

Learned counsel for the petitioner submits that as per
the prosecution story the informant got secret information that
the persons named in the F.I.R. including the petitioner are
involved in sale of illicit liquours and the informant reached at



given place then the four accused persons managed to escape. On search, the informant recovered 115.2 litres of illicit liquours from the house of this petitioner.

Learned counsel submits that the petitioner is innocent and has not committed any offence. The petitioner is in custody since 05.06.2020 having no criminal antecedent.

Learned A.P.P. 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 petitioner has remained in jail for over eight months in connection with this case and he has otherwise no criminal antecedent, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J.-IInd-cum-Special Judge, Excise Act, Muzaffarpur in connection with Deoriya P.S. Case No. 35 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.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

