

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38019 of 2020

Arising Out of PS. Case No.-143 Year-2020 Thana- SIKTI District- Araria

MD KALAM ALAM @ FEKU SON OF MD GAFUR HAQUE @ LATE
GAFUR @ GAFUR RESIDENT OF VILLAGE - MURARIPUR, WARD
NO. 2, POLICE STATION - SIKTY , DISTRICT - ARARIA

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-02-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner undertakes to
remove the defects, as pointed out by the office, within four
weeks of resumption of normal court proceeding. In the
eventuality of non-removal of defects within undertaken period,
the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Section 30 (a) of the Bihar
Prohibition and Excise Act, 2016.

105 liters of Nepali country made liquor is said to
have been recovered from a motorcycle and the driver of the
motorcycle managed to escape.



It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or the place of recovery or any trade of liquor or the motorcycle in question. He has been falsely implicated in this case at the instance of his enemy due to animosity. There is nothing on record to indicate the complicity of the petitioner barring the confessional statement of the co-accused, Abu Talib which has no evidentiary value in the eye of law. Petitioner is not the owner of the motorcycle in question rather the co-accused Abu Talib is the owner of the motorcycle. Petitioner has no criminal antecedent and has been languishing in custody since 12.09.2020.

Petitioner is agreed to deposit a sum of Rs.5000.00 (Rupees Five Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the



satisfaction of learned Additional Sessions Judge-II-cum-Special Judge Excise, Araria in connection with Sikty P.S. Case No. 143 of 2020, corresponding to Special Case No.585 of 2020.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.5000.00 (Rupees Five Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

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