

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39195 of 2020**

Arising Out of PS. Case No.-85 Year-2020 Thana- DEODHA District- Madhubani

MD. RAFID NADAF @ RAFID NADAF @ MD FAFID NADAF SON OF  
FAUDAR NADAF, RESIDENT OF VILLAGE - PARSA, P.S. JAYNAGAR,  
DISTRICT - MADHUBANI

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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

2      20-02-2021              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 this Court.

Heard learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned A.P.P. for the State.

The petitioner in the present case is seeking regular bail in connection with Deodha P.S. Case No. 85 of 2020 corresponding to G.R. No. 1161 of 2020 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30 (a) of the Bihar Excise (Prohibition) Amendment Act, 2016.

Learned counsel for the petitioner submits that as per the First Information Report, while the informant who is the



Police Sub-Inspector was engaged in the evening patrolling duty apprehended the petitioner on road and recovered 90 litres illicit liquors kept in two plastic bags.

Learned counsel submits that from the seizure list itself it appears that the recovery of liquor has been made from the roadside to which the petitioner has no concern. It is submitted that petitioner has been falsely implicated in this case only due to one criminal antecedent of similar nature in which he is on bail.

Learned A.P.P. 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 it is submitted on behalf of the petitioner that the recovery of liquor is not from his house and that he has been falsely implicated in this case only because he is having one case of similar nature on his head in which he is on bail, this Court directs that on completion of six months of custody, the petitioner shall be released on bail on furnishing bail bonds of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Session Judge-II-cum-Special Judge, (Excise Act), Madhubani in connection with Deodha P.S. Case No. 85 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 steps for cancellation of bail bond of the petitioner.

This application stands disposed of accordingly.

**(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'.

